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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, MAY 2, 1989

VOLUME 44

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5 R. ARMSTRONG, Q.C.
Ms. K. CHOWN

on behalf of the
Commission

R. BOURQUE

on behalf of the Canadian
Track and Field Association

10 J. DePENCIER

on behalf of the Government
of Canada

R. McCREATH
D. MANN

on behalf of the Canadian
Olympic Association

15 A. PRATT

on behalf of Charles
Francis

E. FUTERMAN

on behalf of Ben Johnson

D. SOOKRAM

on behalf of Dr. M. G.
Astaphan

20 L.S. GOLD

on behalf of Mr. G. Lubin

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THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr.

Commissioner. Our next witness is Mrs. Carol Anne
5 Letheren. She is present and ready to be sworn.

CAROL ANNE LETHEREN: Sworn

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Thank you.

10

THE REGISTRAR: Okay, cameras.

THE COMMISSIONER: Thank you.

THE COMMISSIONER: Mr. McCreath is here
this morning.

MR. ARMSTRONG: Yes.

15

THE COMMISSIONER: Mr. McCreath and Mr.
Mann. Thank you. All right, Mr. Armstrong. Good
morning, Ms. Letheren.

MR. ARMSTRONG:

20

Q. Thank you, Mr. Commissioner. Mrs.
Letheren, just covering for a moment your academic and
professional background, you took your first degree at the
University of Toronto in physical education, receiving
your Bachelor of Physical Health and Education Degree in
25 1963?

A. That's correct.

Q. Then I understand you studied psychology and received a BA in psychology from the University of Toronto in 1969?

5 A. That's correct.

Q. And then a further degree from York University in Toronto, your MBA in 1977; is that correct?

A. That's correct.

10 Q. All right. Then your professional career began after your BPHE in 1963 when you taught for a period of seven years, 1963 to 1970, in the faculty of physical education at the University of Toronto?

A. That's correct.

15 Q. I understand that that was interrupted briefly when you took a little time off, including six months teaching at a Toronto high school, Riverdale Collegiate?

A. That's right.

20 Q. Then from 1970 to '77, another seven-year academic stint, you were at York University, the Department of Physical Education where you were the coordinator of undergraduate studies?

A. That's correct.

25 Q. Then moving on from Academe, as it were, from 1977 to 1979, you were in Ottawa where you were

associated with the Coaching Association of Canada and Sport Canada at the National Sport and Recreation Centre where you did contract work of various types?

A. That's correct.

5 Q. Including, I understand, you were the executive producer of a television program and involved in consulting work related to athletics?

A. That's correct.

10 Q. And then from 1979 to the present, you have been in the consulting business in Toronto and you are a partner in the firm of -- is it Matheson Letheren, I can't read my own writing?

A. Matthew.

15 Q. Mathieu Letheren and Associates where you are involved in marketing consulting?

A. Correct.

20 Q. Then, Mrs. Letheren, if I may just covering your own Olympic background and athletic background, you have for many, many years been involved in Canada and internationally in the sport of gymnastics?

A. That's correct.

25 Q. And then in gymnastics, your introduction in a sense to the Olympic world at the official level was as a judge at the '76 Games in Montreal and the '84 Games in Los Angeles?

A. Yes.

Q. You became a Director of the Canadian Olympic Association as an A Director representing the sport of gymnastics some seven or eight years ago, was it?

5 A. Seven years.

Q. Just so that we can get ourselves back in context for a moment, we have had some of this evidence before I believe from Mr. Read, but there are various kinds of directors. I think we are advised that initially
10 you were an A Director, and we will come to it in a moment, you are now a B Director, but an A director of Canadian Olympics Association, what is that category?

A. There are several categories of membership and Directors, but on the Board of Directors of
15 the Canadian Olympic Association, each of the Olympic and Pan American sports is entitled to one director. So, there are a total of 30, what they call, A Directors, which are actually sport-specific directors.

And then there are 12 what you might call
20 Directors at Large. We happen to call them B Directors, and they come from a variety of the walks of life, some of them may be from a specific sport, but they are not named by that sport.

So, there are a total of 42 directors.

25 Q. All right. And then there is a C

Category involving any IOC --

A. Yes.

Q. -- member who is a Canadian, and that
would in Canada include Mr. Worrall and Mr. Pound, both of
5 whom are IOC representatives?

A. That's correct.

Q. And then apparently a D Category which
is the honorary category? And an --

A. And the D category are not members of
10 the Board of Directors, however they are members of the
association --

Q. I see?

A. -- but not on the Board of Directors.

Q. Not members of the Board.

A. Similarly, the E people who are sports
15 on the Olympic list, but not currently on the Olympic
program, are entitled to a member who can vote at the
annual meeting, but they are not entitled to membership on
the Board of Directors.

20 Similarly, a F Category which represents the
Athletes' Advisory Council. And each of our A Directors
has an equivalent member; in other words, the Olympic and
Pan American sports each are entitled to name an athlete
who sits on the Athletes' Advisory Council. They are
25 entitled to vote at the annual meeting, but, again, they

are not members of the Board of Directors.

Q. So, the only people entitled to sit on the Board then are members who are either in the A, B, or C category?

5 A. That's correct.

Q. Is that right?

A. Yes.

Q. All right. And you as we have just indicated for the past several years have been an A member on the Board as a result of being elected from the A group, I take it?

10

A. Uh-huh.

Q. But recently you have --

A. Moved to B category.

15 Q. -- become a B category?

A. That's correct. At the last election, which was held in April of this year.

Q. So, you are no longer sport specific, as it were, you are a member at large?

20 A. That's correct.

Q. Not representing any particular sport?

A. That's correct.

Q. All right. Now, as well as being a Director of the Canadian Olympic Association, you have for the same number of years as you have been a Director, you

25

have also been a Vice President. And I understand you were recently re-elected as a Vice President of the Association?

5 A. Yes, that's correct. There are actually eight Vice Presidents in the Association, all of whom must be members of Board of Directors first. And then the Vice Presidents can be either A or B Directors.

10 Q. Now, you were involved in the 1988 Olympic Games, and can you just tell us what your position was in regard to the Seoul Olympics?

15 A. Well, the official title of the position is Chef de Mission, which essentially means the head of the Canadian team, responsible for all members of the team from all sports, as well as responsible for the staff and the administrative personnel accompanying the athletes.

I guess the best way to equate it would be a chief executive officer of a very short-lived corporation.

20 Q. All right. Now, first of all, when were you appointed Chef de Mission of the Canadian Olympic team?

A. I can't remember the exact date, sir, but it was approximately three years in advance of the Games.

25 Q. All right. Who selects you for that

position?

A. That's the Executive Committee of the Canadian Olympic Association.

Q. Is that voluntary position?

5 A. Yes, it is.

Q. And your position as Chef de Mission was related only to the Seoul Games, not to the Calgary games?

10 A. That's correct. We had two other Chefs accompanying our teams in Indianapolis and in Calgary.

Q. Now, is the Chef de Mission involved in the selection of the Canadian Olympic team?

15 A. The three Chefs de Mission sit as ex officio members on the team selection committee and are there really for information purposes. But in my own case, I was also a full-pledged member of that committee as one of my responsibilities as a member of the executive committee. So, I was serving really two functions on the team selection committee.

20 Q. All right. I am sorry, may be I missed it when you were explaining the Chef de Mission, you said the three Chefs de Mission --

A. Yes, one for Calgary --

25 THE COMMISSIONER: One for Calgary, one for Pan American, and one for the Olympics.

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. I see, okay. Now, I am going to ask
5 you some questions about the selection of the Canadian
Olympic team particularly for Seoul. And in anticipation
of that and at our request, you provided us with a
newsletter of the Canadian Olympic Association which sets
out the Canadian Olympic Association team policy.

10 And I am just going to put that in front of
you and then give copies to the Commissioner and my
friends, and ask that that document be marked as the next
exhibit.

THE REGISTRAR: It will be 160.

15 THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 160: Newsletter of the Canadian
Olympic Association

20 MR. ARMSTRONG:

Q. All right. Well, I have put a copy --
have you got your own copy there that's marked up?

A. That's okay.

Q. Do you want to take a moment --

25 A. No, that's fine.

Q. -- to get it?

A. No, that's fine.

Q. Now, first of all, I think this document makes it clear, but let me ask you what the document does make clear is whose responsibility is it for ultimately choosing who becomes a member of the Canadian Olympic team?

A. It's ultimately the responsibility of the Canadian Olympic Association to name that team.

Q. All right. Now, is there a process of nomination as it were, if we were in this phase of our Inquiry looking at track and field, if we were looking at track and field, does the Canadian Track and Field Association play any part in naming or nominating members of the track and field team?

A. Well, actually they play a two-fold role. In the first instance, in developing the criteria for selection that guide and direct the team's selection committee. They have a member on the Board of Directors, an A director, and the Board of Directors is responsible for determining the policy that will be followed. And in the case of this past Olympiad, it was a unanimous decision of the board what the team selection criteria would be. So, obviously track and field were supportive of those criteria.

Q. Yes.

A. Then they play a secondary role and that is, in the actual athletes whom they are sending to the games, they provide us with a list of those athletes they're nominating in each of the eligible categories. And then they also come before the committee and present their cases. So, they play a fairly integral role there.

If you want to go through each of the five ways they can be named then there is another way that the Track and Field Association plays a part.

Q. Well, I'm going to do that. The other thing that I wanted to ask you, first of all, is that it again is clear from this document, looking at the second page under the heading, "Team Selection Committee", that the Canadian Olympic Association had, insofar as Seoul and the Pan Am Games and the Calgary Games are concerned, a team selection committee and can you just tell us who was on it?

A. Well, the membership of that committee includes one representative of the Athletes Advisory Council. It includes ---

Q. Can I just stop you there? Just reminding us who that is; Mr. Ken Reed, when he testified told us about the Athletes Advisory Council and that's group of which he at one time was...

A. The chairman.

Q. The chairman?

A. That's correct, yes. Those are the F members of the Association.

5 Then the president of the association generally chairs that committee and then other individuals are appointed.

Q. So in this case, that's Dr. Roger Jackson?

10 A. That's correct, yes. Then in addition to that, there are members appointed who represent a variety of different sport backgrounds, some winter, some summer, some team and some individual and that varies each Olympiad.

15 Q. All right. And are those people selected by the ---

A. COA Executive Committee.

Q. COA Executive Committee?

A. Yes.

20 Q. All right.

A. Then we also have ex officio members, two staff members, who provide all of the data and who also work quite intimately with the sport governing bodies in determining that data. And then a member of Sport
25 Canada ex officio is a member on that committee at well.

Q. When you said two ex officio staff members, those are staff members of the ---

A. Canadian Olympic Association.

Q. Canadian Olympic Association?

5 A. That's correct.

Q. Now, in the case of Sport Canada, they have an ex officio representative?

A. Yes.

Q. And who was that for Seoul?

10 A. Ole Sorenson.

Q. All right. So, what we're now going to look at in this newsletter exhibit is the five ways that a person might find his or her way onto the Canadian Olympic team and I take it these are the criteria that you mentioned that were unanimously approved by the...

15 A. Board of Directors.

Q. Board of Directors of the Canadian Olympic Association back when, in 1985?

20 A. They were approved -- I think it states at the front of the document, actually. Yes, November 17, 1985.

Q. All right. And although this document doesn't appear to have a date on it, I assume that this was published shortly after that meeting?

25 A. Yes, it was.

Q. All right. Now, can you just take us through the various ways in which a person becomes eligible for membership then on the Canadian Olympic team?

A. Mm-hmm. Well, first of all, athletes, the general selection criteria, read that an athlete has to place or have reasonable probability of convincing us that they'll place in the top 16 and top half of the field and there are five ways that they can be members of the Olympic team having proven those criteria.

First of all, they can be on what's determined to be the Olympic list which means that athletes who compete in the first year of the Olympiad in world championships or the previous Olympic Games and who have already met that criteria in one of those two competitions, they then are automatically on the Olympic list and their names are simply given to us by their sport and then the team selection committee just automatically verifies that they will be members of the team.

So, that's straight before ---

THE COMMISSIONER: How does one become a top 16?

THE WITNESS: At the world championships, in the year following the Olympic Games. So in this case, for the next Olympiad that this would be this year that we're presently in or in the previous Olympic Games.

So, those athletes who placed in the top 16 and top half in Seoul would be automatically on the Olympic list for Barcelona.

5 THE COMMISSIONER: Is that accumulative, top 16 or top half or do you have to be both?

10 THE WITNESS: It is top 16 and top half because, in some instances, the top half would not necessarily be top 16. So in that instance, you'd have to be top 16 so you must be in the top half of the Olympic field.

THE COMMISSIONER: And top 16?

THE WITNESS: And top 16.

THE COMMISSIONER: By prior performances?

THE WITNESS: That's correct, yes.

15 THE COMMISSIONER: What about -- that's in the world championships or....

THE WITNESS: Or Olympic Games.

THE COMMISSIONER: Not by how you're doing in Canada, say, in your trials?

20 THE WITNESS: No, no. Now, if you don't ---

MR. ARMSTRONG:

Q. Could I just interrupt you ---

A. Yes.

25 Q. ---before we go on? Suppose a person

finished first in the 100 metres in Los Angeles in 1984 and she never ran in another race from '84 to '88 and then showed up and said, 'Well, I finished first in the last Olympic Games, I want to run in Seoul'?

5 A. If that athlete is nominated by the sport governing body, so if the CTFA determines that athlete should be on their team, they then nominate that individual and because of the performance in Los Angeles, she would automatically be on the Olympic list, in that
10 case, for Seoul.

 Q. I take it I've probably chosen a ridiculous example.

 A. I guess we assume that the --

 Q. Lawyers are, particularly myself, are
15 sometime guilty of that. Okay.

 THE COMMISSIONER: Well, just speak for yourself, not for the whole bar, please.

 MR. ARMSTRONG:

20 Q. Well, I singled out myself but I'll try to be a little more.....

 A. If an athlete does not appear on that Olympic list, the second way that they can make the team is through what's called the Olympic list equivalency.

25 The sport governing body, together with the

COA staff, early on in the period of the Olympiad, actually sit down and determine standards that they believe are equivalent to the actual Olympic list.

5 So standards that are -- will determine that athletes who meet them will indeed place in the top 16 and top half at the upcoming Olympic Games. And that's known as the Olympic List Equivalency Standards.

10 Then an athlete, knowing those standards, provided they compete in a bona fide competition that, again, the sport governing body and the COA have agreed to in advance to be a viable competition, if they meet the standards in that competition, then they go automatically on the list as well.

15 So they are determined to have demonstrated their ability to show a reasonable probability of finishing in the top 16 and top half.

THE COMMISSIONER: Is there a quota though?
Is there quota which you allow?

20 THE WITNESS: There is not a quota as far as the Canadian Olympic Association is concerned, only insofar as the international federation may stipulate that only certain numbers can enter each event.

THE COMMISSIONER: Okay, thank you.

25 THE WITNESS: And then, of course, there is a quota but that would be up to the sport governing body

to determine if they're allowed only three and they have
six athletes who have met the standards, they would
nominate those three and those are the three that we would
be dealing with at the team selection level. They would
5 not give us all six names and ask us to choose.

So, in essence, the sport governing body
names its own team and we simply verify that indeed they
have met the standards and have demonstrated that they can
achieve the standards set.

10

MR. ARMSTRONG:

Q. All right.

A. Okay? So, that's the second way they
can get on the list. The third -- and they can do that up
15 to eight weeks prior to the games. They can meet those
standards in competitions, any competition that has been
agreed to up to eight weeks prior.

15

Then there may be athletes who have not
quite met the Olympic list or Olympic list equivalency.
20 I.e., if the standard set is -- I don't know -- ten
seconds for the 100 metre and they're running at 10.1 or
10.2 in meets, they're what we call borderline cases.

20

And, any sport governing body is entitled to
present to the team selection committee the case of any
25 athlete whom they believe capable of showing or

25

demonstrating a reasonable probability of meeting that top 16, top half, and it's up to them to document that case.

The team selection committee then deals with all of the borderline cases in all of the sports and
5 determines whether they believe that the documentation provided truly does show that this athlete has the capability.

So there is an element of subjectability there but it's obviously on the -- the onus is up to the
10 sport to provide full documentation to really argue that athlete's case.

Then another way that sport governing bodies can nominate athletes who are not on either of those two equivalency lists and who are not necessarily what we've
15 called borderline cases, is what we've labelled promising newcomers.

And this category is available in order that sports can nominate athletes who may be younger than those who are officially on their team or who are showing a rate
20 of improvement and a training program quality where they believe therefore the Olympics would be a phenomenal experience for them in preparation for the next Olympic Games and we leave a few slots on the team for what we therefore call promising newcomers.

25 Again, it becomes a subjective decision of

the committee but the sport governing body, again it's up to them to provide the documentation that convinces us that this athlete is indeed a promising newcomer with potential as opposed to already demonstrated results.

5 And then there is a fifth category, what we've called sports with a restricted Olympic field and there are actually specifics sports and I will name them; basketball, football, artistic gymnastics, handball, hockey, ice hockey, tennis, volleyball and water polo.

10 Those sports qualify through what we've called restricted Olympics fields. In other words, there are qualifying tournaments at which the international federation determines how many teams and/or individuals will be entitled to enter the Olympic Games. If any
15 Canadian athlete or Canadian team in any of those sports is named by the international federation, then they're automatically on our Olympic team.

20 Q. I see, all right. Now, going back to track and field, if I can for a moment, and following from some of the questions that the Commissioner was asking; in track and field, how many participants was Canada entitled to select for each track and field event?

25 A. Well, there are two separate parts to that. The international federation, the IAAF, indicates that at the Olympic Games each country is entitled to one

entry per event without any standards at all.

Then, if they wish to enter the maximum allowable per event, which is up to three, then all three of the athletes must have met the standard.

5 The exception, of course, is in the relays where each country is only entitled to one team in the relay event.

 And in the case of the Canadian Olympic Association standards and guidelines, the athletes had to
10 meet those standards that were determined in advance by the COA and the CTFA and it's my understanding that in some instances those standards were not the same as those of the IAAF but were actually a little bit stiffer.

Q. All right. It again may be ---

15 THE COMMISSIONER: Well, if you're allowed one event, one -- each country is allowed one per event?

THE WITNESS: Yes.

THE COMMISSIONER: So...

20 THE WITNESS: Without standards. But you are allowed a maximum of three. But, if you want to enter the second or third athlete, then all three athletes must have met the standard as stated.

THE COMMISSIONER: But if you only enter one?

25 THE WITNESS: Then that athlete does not

have to meet the IAAF standard.

THE COMMISSIONER: Well, I think we discussed it, like the Eagle in England. How did he get in the Olympics?

5 THE WITNESS: I don't know if ski jumping has any standards.

THE COMMISSIONER: Well, maybe they're only allowed one per event. That's not right, is it?

10 MR. ARMSTRONG: Well, no, he'd get it under that.

THE WITNESS: It varies by sport as well. We're only discussing, though, track and field at this moment. And each sport governing body has different entries, standards and guidelines and I don't know them
15 all sport by sport.

THE COMMISSIONER: Well, theoretically, suppose they only allowed one for a certain event. What -- give me an example of what they might do to that?

20 THE WITNESS: Well, what we're discussing is the IAAF which is track and field. So, for example, we would be able to enter one hurdler in the 400 metres ---

THE COMMISSIONER: Suppose they only said one one-miler, for example?

25 THE WITNESS: That's right. That person would be eligible with no standards.

THE COMMISSIONER: Right; without a standard?

THE WITNESS: That's correct.

THE COMMISSIONER: So anybody that you
5 selected could enter?

THE WITNESS: Yes. Now, the only thing that I would point out, however, the IOC Charter cautions us, as an NOC, that while the Olympic Games -- and I'll actually read it;

10 "While the Olympic Games welcome the youth of the world, it's physically impossible to accommodate all the youth."

And they ask us to ensure that all of our athletes who are named are prepared for high level
15 international competition.

And hence, why the COA ---

THE COMMISSIONER: I was looking for an event where there's only one allowed in, you see.

THE WITNESS: The relay team.

20 THE COMMISSIONER: Okay. But you would still impose some standards yourself?

THE WITNESS: That's correct.

THE COMMISSIONER: All right.

25

MR. ARMSTRONG:

Q. All right. So, just again, maybe I'm
the only one that's slightly confused but if you wanted to
put three -- looking at the track field, or athletics as
5 it's called at the Olympic level, looking at athletics, if
you wanted to put the full compliment of three into the
100 metres, those three individuals would have to meet an
IOC Olympic standard?

A. No. They'd have to meet the
10 International Track and Field Association standards, the
IAAF standards.

15

20

25

Q. And in the case of the 100 metres, they would have to meet a particular--

A. A particular time.

Q. Time.

5 A. That's correct.

Q. Again maybe taking a--

THE COMMISSIONER: Can I go back then. You could already be the top 16 and not get in?

MR. ARMSTRONG: That was my next question.

10 THE WITNESS: There are two different standards. The International Track and Field Association says to each country you are entitled to enter to a maximum of three athletes. If you choose to only enter one per event, that one athlete does not have to meet a
15 standard, as far as we are concerned.

THE COMMISSIONER: But if it's one or it's three, they all have to meet --

THE WITNESS: But if you're going to enter two or three, then all three must meet that standard.

20 THE COMMISSIONER: Their standard?

THE WITNESS: Yes. Then in addition, the Canadian Olympic Association in cooperation with the Canadian Track and Field Association, each quadrennial sits down, and in the case of track and field, itemizes by
25 event what the Canadian standard will be for being named

to the Canadian team.

THE COMMISSIONER: Which we have set out here?

THE WITNESS: Yes, they have to demonstrate a reasonable probability of top 16 and top half, and in some cases, it's the perception of our own national federation, the CTFA, and the COA that some of the IAAF standards are too low and there have been occasions where that standard has been raised for Canadian athletes.

MR. ARMSTRONG:

Q. I see. But I suppose it's conceivable though where a Canadian athlete might be, leaving aside--well, a Canadian athlete might be in the top 16 and top half, but not meet the international federation standards?

A. I think that would be pretty rare. I suppose.

THE COMMISSIONER: Quite the opposite.

THE WITNESS: I think it would be the opposite. That would be very rare because when the CTFA sits down with the COA, they are very knowledgeable about where the performances are going to be and what standards they would need, and as a minimum, they'll use the IAAF because you must meet that standard as a minimum.

MR. ARMSTRONG:

Q. All right. Moving along from the team selection process, when does the Canadian Olympic Association and you in your position as Chef de Mission become responsible for the team?

A. We assume our responsibilities the moment that we begin to assemble the team. Each game of course is slightly different, but in the case of Seoul, we utilized Vancouver as a departure point for the team and what we call staging which means we bring the athletes into a hotel in that particular city and send them to the venue of the games from there. So we assume--

THE COMMISSIONER: Do you take the funding over them? Do you fund all the athletes at that stage? Who pays their expenses when they get to Vancouver?

THE WITNESS: The Canadian Olympic Association assumes the costs from the point of departure of the athlete from their home to the staging, all costs at the staging, and then, of course, all costs relevant to the games.

MR. ARMSTRONG:

Q. So in the case of the Seoul Olympics, the Canadian Olympic Association would have accepted the

responsibility and jurisdiction for each of the members of the team when they arrived in Vancouver for the staging?

A. That's correct, and that date was August 30th in the case of the Seoul games.

5 Q. And the Canadian team in 1988 for Seoul, you gave me these figures, was comprised of 567 people in total which included 396 athletes and the remainder were the coaches, doctors, trainers, physiotherapists and other officials, all of whom were
10 credited by the Canadian Olympic Association?

A. That's correct.

Q. All right. And so that group of 567 became generally the responsibility of the Canadian Olympic Association and in particular, in a sense, your
15 responsibility as Chef de Mission on August the 30th as they began to assemble in Vancouver for the staging?

A. That's correct. They come, of course, at different times. Not all teams arrived on August 30th, and actually, not all teams come through the staging.
20 Some of them go direct, but whatever point they arrive, either at the staging or at the games themselves, they then become our responsibility.

Q. All right. Now going to the question of doping control or anti-doping policy, the Canadian
25 Olympic Association has its own anti-doping policy or, as

it is called, the Policy on the Use of Banned Substances and Procedures in Sport?

A. Yes, that's correct.

5 Q. And we are going to file that in a moment, but just to get it in context, as I understand it, in general terms it's in conformity with the IOC, International Olympic Committee, anti-doping policy?

10 A. It is in conformity and enforcing obviously the guidelines and the rules of the International Olympic Committee.

Q. And you accept and incorporate as part of your roles the same list of banned substances that we have spent a good deal of time on in the early phase of our hearing here in January?

15 A. Yes.

Q. All right. And perhaps, as I said, it might be helpful if I were at this point to file the Canadian Olympic Association policy on the use of banned substances and procedures in sport. And this was--

20 THE COMMISSIONER: What date is this?

MR. ARMSTRONG:

25 Q. It was first adopted in January 1984 and amended April 24th, 1987, so Mrs. Letheren, I take it this is the current policy?

A. This is the current policy, that's correct.

THE COMMISSIONER: I have read of some recent changes. These are not incorporated yet?

5 THE WITNESS: They are not incorporated officially into the policy. There were some motions that were passed by the board.

THE COMMISSIONER: In Barcelona?

10 THE WITNESS: That would the international federation ones you are referring to. The contract between the international federation and the IOC. There were also some motions passed by the Canadian Olympic Association that are not incorporated here.

15 THE COMMISSIONER: Are they in force now or are they yet to be?

THE WITNESS: They are in force now, but they really alter testing procedures as opposed to the policy itself.

THE COMMISSIONER: We will get that later.

20 THE REGISTRAR: Exhibit 161.

---EXHIBIT NO. 161: COA Policy on the use of banned substances and procedures in sport.

THE COMMISSIONER: This was in force in 1988 then?

25 THE WITNESS: Yes, that's correct.

MR. ARMSTRONG: If, Mr. Commissioner, I could just pause here for a moment. In consultation with Mr. McCreath and Mrs. Letheren, we agreed of course subject to your views that the best way to proceed insofar as Mrs. Letheren's evidence is concerned today is to deal with her involvement with the Canadian Olympic team in regard to the Seoul Olympics leading up to and including the positive test for Mr. Ben Johnson. That is the specific reason for calling her during this particular time in the inquiry. She has agreed to come back, along with any other appropriate member of the Canadian Olympic Association, to address the more general questions of policy, where the Canadian Olympic Association is today and where it may be going tomorrow with a view to assisting you in your ultimate task.

THE COMMISSIONER: It will be very helpful. We will put that to a different stage because we will be expecting submissions from many people on where we should go from here.

MR. ARMSTRONG: And I was delighted to hear, and you will be too, that they are already working on a presentation--

THE COMMISSIONER: Others are as well.

MR. ARMSTRONG: --that will be made to you, and so I'm sorry. I should have indicated that at the

outset, and I would hope my friends would agree that that was an appropriate way to proceed.

THE COMMISSIONER: That will be much more helpful. Thank you.

5

MR. ARMSTRONG:

Q. Now, in regard to the members of the Canadian Olympic team that are selected for each Olympic games including the coaches and so on, is there any
10 particular step that is taken in regard to them to ensure that they are in conformity with your policy and the IOC policy on the use of banned substances?

A. Yes, there is actually. When the team assembles during the staging or if they come direct to the
15 games, at the time, the first opportunity that we meet with them, they sign a release form and on that release form there is one clause that actually indicates. Let's see if I can find it here for you and actually read it to you. It actually indicates that they are aware of our
20 policy. It states, "I, the undersigned, hereby declare that I am aware of the Canadian Olympic Association policy on doping and drug usage and am not in violation of said policy."

Q. All right.

25

A. So that's the only--

THE COMMISSIONER: Does each athlete sign that?

THE WITNESS: Each athlete and each support personnel who we supply with an accreditation so all coaches, officials, et cetera.

MR. ARMSTRONG:

Q. And we have here today, Mr.

Commissioner, through the assistance of Mrs. Letheren and Mr. McCreath, copies of some of these release forms and acknowledgements of conformity with the anti-doping policies signed by some of the athletes who have already testified both in Montreal and Toronto, and I think it might be appropriate since she's going to have something to say about both the weightlifters and the track and field group to file those as exhibits.

Now, first of all, if I could show you an acknowledgement apparently signed by a Mr. Jacques Demers. Is that a photocopy of a document that you have just referred to that Mr. Demers signed as a member of the Canadian Olympic team?

A. Yes, it is.

MR. ARMSTRONG: Could I then, sir, have that marked as our next exhibit.

THE REGISTRAR: That would be Exhibit 162,

Mr. Commissioner.

5 ---EXHIBIT NO. 162: Photocopy of the COA release form
and acknowledgement of conformity
with the anti-doping policies signed
by Mr. Jacques Demers.

MR. ARMSTRONG:

10 Q. Then similarly there is the same kind
of document for Mr. Gil, and I take it that is a photocopy
of the original signed by Mr. Gil, a member of the
weightlifting team?

A. Yes, it is.

THE COMMISSIONER: 163?

15 THE REGISTRAR: That will be 163.

20 ---EXHIBIT NO. 163: Photocopy of the COA release form
and acknowledgement of conformity
with the anti-doping policies signed
by Mr. Gil.

MR. ARMSTRONG:

25 Q. And again, Mrs. Letheren, I'm showing
to you what appears to be a photocopy of the same kind of
form signed by David Bolduc, and I take it that you have

on file at the Canadian Olympic Association offices the original signed by him?

A. That's correct.

Q. Thank you.

5 THE REGISTRAR: 164.

---EXHIBIT NO. 164: Photocopy of the COA release form
and acknowledgement of conformity
with the anti-doping policies signed
10 by David Bolduc.

MR. ARMSTRONG:

Q. And then finally, so far as the weight
lifters are concerned, there was a form signed by one
15 Kevin Roy, and I take it you have on file the original of
such a document signed by the member of the weightlifting
team at that time, Kevin Roy?

A. Yes, we do.

THE REGISTRAR: 165, Commissioner.

20 THE COMMISSIONER: Thank you.

---EXHIBIT NO. 165: Photocopy of the COA release form
and acknowledgement of conformity
with the anti-doping policies signed
25 by Kevin Roy.

MR. ARMSTRONG:

Q. Now I am showing to you a similar
release form and acknowledgement of the adherence to the
doping policy of the COA, a form signed by Ben Johnson,
and does the COA office have the original of that form
signed by Ben Johnson?

A. Yes, we do.

THE REGISTRAR: 166.

---EXHIBIT NO. 166: Photocopy of the COA release form
and acknowledgement of conformity
with the anti-doping policies signed
by Ben Johnson.

MR. ARMSTRONG:

Q. And further, there is a similar form
signed by Charles Francis, and does the Canadian Olympic
Association have the original of that document signed by
Mr. Francis?

A. Yes, we do.

THE REGISTRAR: 167.

---EXHIBIT NO. 167: Photocopy of the COA release form
and acknowledgement of conformity
with the anti-doping policies signed
by Charlie Francis.

5

MR. ARMSTRONG:

Q. And then finally, so far as track and
field is concerned, do you have the original of a similar
document signed by the therapist Waldemar Matuszewski?

10

A. Yes.

Q. I'm showing to you the photocopy of
that. Could we have that marked as the next exhibit.

THE REGISTRAR: 168.

15

---EXHIBIT NO. 168: Photocopy of the COA release form and
acknowledgement of conformity with
the anti-doping policies signed by
Waldemar Matuszewski.

20

MR. ARMSTRONG:

Q. Now, Mr. Commissioner, I am sorry, due
to an oversight on my part, I had not requested either
Mrs. Letheren or Mr. McCreath to provide me with a copy of
Angella Issajenko's form, but it will be available.

25

Q. I suspect it may well be in our office now. It's being faxed from Ottawa so we can file that at the appropriate time.

THE COMMISSIONER: Well, let's leave a
5 space for that. And it will be 169 when we get it.

MR. ARMSTRONG: All right. Thank you.

MR. ARMSTRONG:

Q. Mrs. Letheren, what about Dr. Astaphan,
10 did he sign such a form?

A. No. Only those official members of the Canadian team are required to sign that particular form. Only those individuals whom we are providing accreditation for. And Dr. Astaphan was there on his own steam. He was
15 there working with Ben Johnson and with Charlie Francis, but was not officially part of the Canadian team.

Q. All right.

THE COMMISSIONER: But that can be done without your approval? In other words, if I am an
20 athlete, can I have anybody look after me that I want, and travel would me to the Olympics?

THE WITNESS: Most athletes don't do that, but they are entitled, of course, to have parents or any other support personnel in the city of Seoul, yes. We
25 don't prohibit anyone from coming to the Games as such,

but they do not become part of our official functions.

THE COMMISSIONER: They can attended to or coached or taken care of?

5 THE WITNESS: Yes, they can. And in actual fact --

THE COMMISSIONER: Without being approved by the--

10 THE WITNESS: In actual fact, if there are coaches, and in the case also of Dr. Astaphan, if there are personnel outside our jurisdiction who would like to get into trainings, for example, to at least observe the athletes even though they can't get down on the floor and work with them, we do our utmost to obtain passes for them on a daily basis to do that.

15 THE COMMISSIONER: But if I am a track and field athlete, can I take my own coach with me to Seoul and train with him rather than the official coaching staff of the Olympics?

20 THE WITNESS: You can take your own coach to Seoul, yes, and your coach can go into the training and observe the training, but your coach would not be able to get down on to the infield to actually work with you during the training, but they could certainly talk to you. You could go up into the stands and talk to them. That is
25 correct.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. Just following along from that, so far

5 as the --

THE COMMISSIONER: But you have, I am
sorry, you have your own physicians I understand,
accredited physicians?

THE WITNESS: Yes, we do.

10 THE COMMISSIONER: And your own trainers?

THE WITNESS: Yes.

THE COMMISSIONER: And we have heard of the
coaches?

THE WITNESS: Yes.

15 THE COMMISSIONER: Masseurs and so forth?

THE WITNESS: We don't have any -- we had
no masseurs or masseuses with us at this Games, but we do
have a complement of physiotherapists and medical doctors.

THE COMMISSIONER: All right.

20

MR. ARMSTRONG:

Q. And the medical staff for 1988 was
headed by a chief medical officer, who was Dr. William
Stanish?

25

A. That's correct.

MR. ARMSTRONG: And we will be hearing from him further, Mr. Commissioner, this week.

MR. ARMSTRONG:

5 Q. So, when the group got to Vancouver, Ms. Letheren, did you become aware at some point in time before you left for Seoul that some of the members of the weightlifting team had subsequently to -- subsequent to arriving back from a training camp in Czechoslovakia had
10 tested positively for anabolic steroids?

A. Yes, we did. The weightlifting team arrived at the hotel in Vancouver on September the 5th. And they attended a briefing and received all of their documentation on that day.

15 And early in the morning of the 6th, I received a phone call from the team leader of that group, Ivan Chouinard, indicating to me that he had just received the results from the laboratory in Montreal, and three of the weightlifters had tested positive.

20 Q. All right.

A. So, at that point, we met with -- I met with the team leader and we discussed the occurrence. And I determined that those three athletes should depart from the staging and return home, to be present if they chose
25 to at the opening of the B sample, but certainly not to be

back on the Canadian team unless the B sample should prove negative.

Q. All right. As is abundantly obvious, these three individuals had been tested after they had gotten back from Czechoslovakia, and as the evidence is, I believe, tested initially in Montreal and then tested again in --

THE COMMISSIONER: They were retested in Vancouver.

MR. ARMSTRONG: -- in Vancouver.

THE COMMISSIONER: They were retested in the Vancouver?

MR. ARMSTRONG: In Vancouver.

THE WITNESS: Yes, it was my understanding that the initial tests that were sent to the lab, when they first returned back in Montreal, were not able to be analyzed by the lab. And it is the laboratory's prerogative to request another sample, which they did. And it was taken in Vancouver, but it was taken prior to them coming to the hotel where our staging was being held. They were having some training camp also in Vancouver a few days prior do coming officially to the staging.

MR. ARMSTRONG:

Q. All right. And the evidence has

already shown, but just to have it here as part of your evidence, the three people that you decided should go home immediately were Demers, Bolduc, and Gil?

A. That's correct.

5 Q. Now, was there a fourth individual as a member of the weightlifting team who subsequent to that occurrence in Vancouver also tested positively and had to be dealt with?

10 A. Yes, that's correct. Kevin Roy was sent home from Seoul. I departed Vancouver on September the 9th, and when I arrived in Toyko en route to Seoul, I received a telephone message to call back to Canada. And that particular telephone message indicated that Kevin Roy's test was positive and could we deal with that
15 immediately.

So, when I arrived in Seoul, I then met again with Ivan Chouinard and we proceeded to send Kevin Roy home from Seoul.

Q. All right.

20 THE COMMISSIONER: Well, the weightlifters were the only ones I think that I am aware of that actually had a doping control procedure which was sort of a random testing before leaving Canada?

25 THE WITNESS: That's my understanding from discussions I have had with the Sports Medicine Council --

THE COMMISSIONER: We have a detailed map, but they had their own random testing procedure called 649?

THE WITNESS: Yes.

5 THE COMMISSIONER: And when these athletes came back from Czechoslovakia, they had to go through that. But none of the other teams required pre-staging testing, apparently.

10 THE WITNESS: No. There are other sports I gather did have testing at things like national championships and what not which were pre-staging, but nothing of the extent that the weightlifters had.

THE COMMISSIONER: Out-of-competition testing.

15 THE WITNESS: That's correct.

MR. ARMSTRONG:

20 Q. All right. Now, I am going to ask you about the events in Seoul and in particular the events surrounding the positive test of Ben Johnson, but before I do that I wanted to ask you in general what the responsibilities were of the Chef de Mission and other people should you be notified of a positive test when you were in Seoul as a result of a urine sample having been
25 taken after a competition.

Was there some procedure that was set up and in place?

A. Yes. We had our own internal policy for handling that kind of thing.

5 First of all, we are subject to the IOC regulations. And their regulations state that if an athlete tests positive during competition, they have a letter that must be delivered by hand to the Chef de Mission.

10 So, internally our procedures indicated that once that letter was received, there would be a meeting called of the key personnel in our own staff, including the chief medical officer, the Director of Games Operations, and the assistant Chef de Mission. And we
15 would discuss at that point how we would then handle the attendance at the B sample and the notification of personnel surrounding the athlete.

And in all cases, in Seoul and surrounding Seoul, it was our determination that we should first
20 contact the team leader and leave it up to the team leader to determine whom they wish to have in the meetings and consultation, and how they wished to have the athlete informed, so that we didn't disturb any competitive setting or training setting.

25 And also at the time of the A sample, we

5 didn't wish to notify any media or any officials outside
that group because, obviously, until we collected all the
data and been present at the B sample, there was always
the possibility that an athlete may have -- we may have
been able to put the case forward or mount the case that
would indicate that that athlete was then exonerated.

10 And, obviously, if that was the case in any
one of our athletes, we didn't want it going far afield so
that they were not front and center in the media, if you
like, at that point.

So, once we determined how the B sample
would be handled, then we would send that group.

15 And in the case of each athlete in Seoul, it
was the chief medical officer accompanied by whomever the
sport wished to name, and they were allowed to have two
people, would go to the B sample, collect the data, find
out if the B sample was indeed identical to the A sample,
and then we would call a meeting of the COA officials, the
Canadian Olympic Association officials in Seoul, along
20 with the members of the sport to determine what our case
would be to the IOC Medical Commission, because once you
have received both the A and B, you are entitled to appear
before the Medical Commission to mount any evidence that
you feel relevant at that time.

25 Q. All right.

A. So, that's the internal procedure that we had in place for all cases.

Q. All right. Now, you mentioned a team leader, and you have mentioned it two or three times
5 before, I am sorry, I intended to ask you, each sport had its own team leader or team leaders, did it?

A. Yes, they do. And we actually require each sport, no matter how small the contingent, to name an administrative officer which we call the team leader who
10 would be our direct liaison on all matters. And we met with all team leaders at 8 a.m. every morning to go through anything relating to the logistics of living together, all 567 of us.

So, they became our liaison also on any
15 doping infraction that occurred during the Games.

Q. Taking track and field, who were the team leaders in track and field?

A. They had two team leaders, Dave Lyon and Diane Clement.

Q. All right. Now, again, before we move
20 on to the events at Seoul, I am sorry, I intended to ask you, when the team meets initially, and in this case when the team met initially in Vancouver at the staging camp, was there any information communicated to the athletes
25 concerning the anti-doping policy, the anti-doping

procedure, and so on?

A. Yes, there is. When they were in Vancouver, they were given all of the information about doping procedures, not only the rules and regulations that surround it, but also they were given information on what will happen should they be selected to be tested, so that they had no uncertainties as to how they enter the doping control area, who can go in with them, what exactly will occur while they were in that doping control area.

And in addition, we also requested through the chief medical officer and his staff that each team leader speak to the coaches and athletes concerned and get us a complete list of all medication that they were on. Actually, all medication they had been on prior to the Games, and all medication that they were on during the Games.

And in actual fact the chief medical officer requested that all bottles of medicine be brought down so that he could double check the labels to ensure that if they were on, for example, cold tablets, or whatever, there wouldn't be a banned substance in that cold tablet that they might be unaware of.

Then at the team leaders meetings each morning in Seoul, particularly the week and a half prior to the opening of the Games, we continued to reinforce

that and continued to try to chase down those who had not yet come forward would those lists of medication and with the actual medication itself.

Q. We are going to hear tomorrow from Dr. Stanish, the chief medical officer, but I take it what he will tell us, and you can give us a bit of a preview of that that actually it is really drilled in to the athletes that if, for example, you go in to downtown Seoul in drug store and you buy a cough medicine remedy or some other drug off the shelf, your obligation to yourself and to the team is actually bring that in to the clinic to Dr. Stanish or whomever and show it to him or her on the medical staff before using it?

A. Absolutely. I mean there were cases in Seoul where athletes had even picked up medication in the airport in Vancouver before departing, and when they were checked by the medical people they had traces of banned substances in them, because there is just so many on the list that they can appear in a number of different medications in different forms.

Q. Now, before we move on to the positive test relating to Ben Johnson, I wanted to ask you, without naming a name or names, did the Canadian team have the experience in Seoul of being advised that one of its athletes other than Ben Johnson had tested positively for

a banned substance?

A. Yes, we did.

Q. All right. And that was before, I take it, that you were notified in regard to Ben Johnson?

5 A. Yes. Actually the letter on the athlete you are referring to arrived to my attention in the early morning hours of September 24th, the day that Ben actually ran his race.

10 Q. All right. And in that case, you were advised that there had been a positive test on the A sample?

A. That's correct.

Q. And were you -- was there ever a B test for that particular incident?

15 A. No, there wasn't. That particular letter that we received was different from most of the official letters when an athlete tests positive. It actually indicated that one of our athletes had tested positive for a sedative, a banned substance on the
20 sedative list or the group of sedatives, and requested that we attend a meeting of the IOC -- members of the IOC Medical Commission, and also members of the international federation who was responsible for the sport the athlete was in.

25 They did not ask us to attend the opening of

the B sample until after that meeting with the IOC Medical Commission.

Q. Yes?

A. So, what we did then is prepared the
5 case for that athlete of all medications that he was on, his complete medical history, and his training procedures, and sent it in advance to Prince de Merode, who was the Chairperson for the IOC Medical Commission, and then met with the Commission later that same day.

10 Q. Yes. And presumably you met with the athlete and his coach?

A. Oh, absolutely. We went through the same procedures that I mentioned earlier that we would do in the case of any doping infraction.

15 Q. All right. That athlete did, I take it, have a medical history of having taken drugs related to his physical and medical situation?

A. Yes. Actually, there was quite a list of medications that he was on. And he was one of the
20 athletes who had certainly followed our requests and they were all on file with our own medical staff in Seoul.

Q. Okay. And so, then you -- did you attend the meeting that was called?

A. Yes, I did. Four of us went to that
25 particular meeting: myself; the chief medical officer,

Dr. Stanish; the athlete himself; and the athlete's coach.

Q. All right. And there was also at the meeting presumably a representative of the IOC Medical Commission?

5 A. The meeting was chaired by the Prince de Merode himself, and there were three other members of the IOC Medical Commission in attendance I believe. And in addition, there were one or two, I can't recall just at this moment, but I think there were one or two
10 representatives of the international federation.

Q. And then I take it that you, the group of Canadians, put before the meeting the evidence that you had assembled as to this athlete's medical history, and the various drugs that he had been taking?

15 THE COMMISSIONER: You say it was a sedative --

THE WITNESS: That's correct.

THE COMMISSIONER: It was a sedative of some sort?

20 THE WITNESS: They indicated in the letter that it was from the group of sedatives, yes.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

25 Q. All right. And the athlete himself, I

take it, indicated to you and to the representatives of this meeting that he himself was not aware that he had taken any banned substance?

5 A. That's correct. Both he and his coach felt that there was absolutely no way that there could have been any banned substance.

 THE COMMISSIONER: But you say he had produced the medication with -- on file with your people.

 THE WITNESS: That's correct, yes.

10 THE COMMISSIONER: So, they knew what it was?

 THE WITNESS: They knew what medications he had been taking. And as far as our own chief medical officer was concerned, he could not understand from the medications listed why any of them would have demonstrated
15 an effect at all, a positive effect.

 THE COMMISSIONER: All right.

 MR. ARMSTRONG: All right. With your permission, without naming the athlete and without naming
20 the particular sport, I would like to read from the official correspondence of the IOC Medical Commission so you, sir, have this on record as to how this was officially dealt with.

 May I do that?

25 THE COMMISSIONER: Well, I gather you won

your appeal?

THE WITNESS: Yes, we did win the appeal
and, therefore, to date, frankly, there are very few
individuals, except now in this room, who know that we
5 even had another positive test.

THE COMMISSIONER: I don't know whether we
should pursue it any further.

MR. ARMSTRONG: Well, I would like to
convince you that it would be --

10 THE COMMISSIONER: Do you want to read
from --

MR. ARMSTRONG: -- helpful for you to do
so.

15 THE COMMISSIONER: What do you want to read
from?

MR. ARMSTRONG: I want to read from two
letters of Prince de Merode.

THE COMMISSIONER: All right.

MR. ARMSTRONG: Without --

20 THE COMMISSIONER: It doesn't identify the
incident any more?

MR. ARMSTRONG: I am sorry.

THE COMMISSIONER: It does not identify the
athlete?

25 MR. ARMSTRONG: Well, the letter does, but

I am going to read it in such a way that it won't. I am going to leave the names out.

THE COMMISSIONER: All right.

MR. ARMSTRONG: All right.

5

MR. ARMSTRONG:

Q. Mrs. Letheren, I am then reading from a letter dated September 23rd, addressed to you, from Prince de Merode, the Chairman of the IOC Medical Commission.

10

Dear Mrs. Letheren:

The dope control Laboratory has analyzed a urine sample provided by --

THE COMMISSIONER: Is this the first letter that you referred to?

15

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. Yes.

20

Provided by the following athlete of your delegation.

Then the athlete is named. And then:

I regret to inform you that the result of this first analysis revealed the presence of a substance banned by the --

25

And then it names the international

federation --

-- under the group of sedatives.

And then the letter reads:

5

In the presence of a representative of the
Medical Commission, of the International
Federation --

10

And the international federation is named --
-- the IOC Medical Commission has decided to
invite your delegation to a hearing which
will take place on Saturday, 24th of
September, 1988, at 1400 hours. You may
naturally be accompanied by your team doctor
in addition to any other member of your
delegation you consider necessary, including
the athlete concerned.

15

And then the place of the meeting is fixed
and it appears from the letter that the time of the
meeting was changed from two o'clock to 4:30, obviously to
enable you to see the 100 meters?

20

A. Right.

Q. Or somebody else to see the 100 meters.

And then there is a letter on September 26th to Mrs.
Letheren, and just give me a moment, please, because I
want to be sure that I read the correct part of this.

25

Yes, the letter reads:

Dear Mrs. Letheren:

Further to my letter of 23rd of
September, 1988, may I inform you that on
25th September, 1988, the IOC Medical
Commission has examined in detail the
analytical data and the testimony given by
your delegation.

I am pleased to inform you that the
Commission in consultation with the
representatives of the International
Federation --

And it's named --
-- has decided that the presence of
diphenhydramine --

In parenthesis --
-- 1758 does not constitute a doping
offense. We would, however, invite you to
prudence in the use of substances which have
a sedative effect especially with an athlete
is competing in the sport --

And then a sport is named.

May I take this opportunity to thank you for
your cooperation and comprehension in this
matter.

Yours sincerely.

So, anyway, that, as the Commissioner so aptly put it, you won your appeal and that was the end of that particular incident?

A. That's correct.

5 Q. Now, how, Mrs. Letheren, did you first become aware that there was a problem concerning a doping violation involving the athletics team member Ben Johnson?

THE COMMISSIONER: Well, perhaps it would be a good time to make our break because this will be a rather lengthy story. We will take our break now.

10 MR. ARMSTRONG: All right.

--- short recess.

--- upon resuming.

15 THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you. Before proceeding with where we were at at the recess, I have now placed -- I now have available the Angella Issajenko form, and that is exhibit 169.

20 THE COMMISSIONER: 169.

THE REGISTRAR: 169.

25

---EXHIBIT NO. 169: Photocopy of COA Release Form and
Acknowledgement of Conformity with the
Anti-Doping Policy signed by Angella
Issajenko

5

THE COMMISSIONER: All right. Mr.
Armstrong.

MR. ARMSTRONG: Thank you.

10

MR. ARMSTRONG:

Q. Now, Mrs. Letheren, I had asked you
before the break when did you first learn and how did you
learn that there was a problem concerning Ben Johnson in
Seoul?

15

A. Well, the same procedure actually as
was mentioned earlier. The IOC Medical Commission is
required by the IOC regulations to ensure that a letter is
hand delivered to the Chef de Mission. And I received the
letter relating to Ben Johnson at 1:45 a.m. on September
the 26th.

20

Q. Yes. And I have a --

THE COMMISSIONER: That's Seoul 26.

THE WITNESS: Yes.

25

MR. ARMSTRONG:

Q. And that is a photocopy of the original letter dated the 25th of September, 1988, from Prince Alexandre de Merode, Chairman of the IOC Medical Commission?

A. That's correct.

THE COMMISSIONER: Thank you. 170

THE REGISTRAR: 170.

--- EXHIBIT NO. 170: Photocopy of Letter dated September 25, 1988, from Prince de Merode.

THE COMMISSIONER: If I may just see this for a moment, please.

MR. ARMSTRONG:

Q. Just while you are reading it, sir, perhaps, Mrs. Letheren, you might just read it so that we have it on the record for the benefit of everyone. Just read it out loud, please?

A. The letter is addressed to myself:

"The dope control Laboratory has analysed a urine sample provided by the following athlete of your delegation:"

And then they state the:

Full name: Johnson Ben.

Accreditation Card No., the sample number,
and the sport: Athletics - 100 meters.

"I regret to inform you that the result of
this first analysis was positive.

In accordance with the stipulations
of the Olympic Charter and the medical
controls brochure, the analysis of the B
sample will take place in the dope control
Laboratory, Doping Control Center, Korea
Advanced Institute of Science and
Technology --"

and then they provide the address and
telephone number in Seoul.

"At 10 a.m. on September 26th, 1988.

As stated in our rules, your NOC --"

That is the Canadian Olympic Association --
"is invited to attend this meeting with the
delegation which may not exceed three
persons.

Following this analysis, there will be a
meeting of the IOC Medical Commission which
you are requested to attend together with
your team doctor. The meeting will take
place --"

and they gave the room number in the
Shilla Hotel --

"at 10 p.m., September 26, 1988.

5 Furthermore, I should like to remind you
that the athlete concerned may be heard by
the IOC Medical Commission during this same
meeting should your NOC or the athlete
him/herself so wish."

10 And it's signed the Prince Alexandre de
Merode, who is Chairman of the IOC Medical Commission.

Q. You say you got this at 1:45 in the
morning of September 26th. From whom did you get the
letter?

15 A. Well, in actual fact, the letter was
delivered to our building by Ken Fitch, who is the
Australian -- an Australian doctor and a member of the IOC
Medical Commission, but he was not able to awaken me.
Somehow, I think it's because of the two days prior being
involved with the Medical Commission, I was in a dead
20 sleep. And so, the doorbell didn't waken me and they went
down and found a couple of people still in our medical
office.

And so the coordinator of the medical office
actually was one of the individuals rooming in the same
25 apartment I was, so she came in and woke me up. And then

she gave me the letter via him.

Q. All right. Now, when you got the letter, what did you do?

A. I then went to the apartment where our
5 chief medical officer was accommodated and had him awakened so that we could discuss the letter --

THE COMMISSIONER: That would be Dr. Stanish?

THE WITNESS: -- and its contents and the
10 procedures. That's Dr. Stanish, yes.

And then at 6:30 a.m. we woke up the individuals on our team staff who were to be involved in all doping cases. And that was, in addition to Dr. Stanish and myself, our team information officer, Frank
15 Radcliffe; the Director of Games Operations, Greg Matthew. And we were unable to have Yves Tetreault, the Assistant Chef de Mission, meet with us because he had since departed for another meeting.

So, we met on the letter and determined to
20 follow the procedures as we had previously laid out for all doping infractions. And we sent for Dave Lyon, the team leader of track and field to be wakened. And he came down and met with Bill Stanish and myself at 7 a.m.

It was Dave Lyon who then was given the
25 opportunity to determine whom from their association he

wished to have involved in the initial discussions. And he felt that immediately he would like to have Charlie Francis involved. And he went and woke Charlie up.

And Charlie and Dave and Bill and I met
5 together for about an hour.

Q. All right. Where did that meeting take place?

A. That meeting took place in Dr. Stanish's office in the medical clinic in our own Canadian
10 team headquarters.

Q. And perhaps this might be a good point, perhaps I should have done it earlier, but in Seoul, Dr. Stanish and his medical staff did have a full medical clinic available and assigned to them in Seoul, I take it?
15

20

25

A. Yes. The actual accommodations in Seoul, we had one building assigned to the Canadian team. It was divided into three parts. In the ground floor of that building, we took each of the apartments which were two storey apartments and they were all three building apartments, and we converted one into a medical clinic.

So they had a full-fledged clinic with some privacy in the bedrooms to set up treatment centres and then a reception area on the ground floor.

Q. All right. Then you say that Dr. Stanish, Charlie Francis, Dave Lyon and you then met in Dr. Stanish's office in the medical clinic and had a discussion for about an hour?

A. Yes, we did. Obviously --

Q. It now being about what time?

A. We started that meeting around 7:00 so we met from roughly 7:00, 7:30, 8:00, 8:30, somewhere in that time.

Q. All right.

A. And what we were doing was two-fold. One was examining the contents of the letter, discussing the probability of such an occurrence and whether, indeed, they felt that this could have occurred and how.

And we were also discussing how to handle the opening of the B sample which was to take place at

10:00 a.m. and whom from our group should attend and whom would they like to have in attendance.

And then the third thing, that we were anxious to do and we also leave this up to the sport to determine, at what time and how did they wish to inform Ben Johnson of the actual letter and its contents.

Their response to the latter point was Charlie wished to inform Ben himself and that's fine by us, as long as the athlete is given due notice and is informed completely of all of the circumstances. So Charlie himself did do that prior to going to the opening of the B sample and he did it by telephone. And ---

Q. Did he talk to Ben Johnson on the telephone?

A. I believe he did. But I know that he informed him prior to us going to the B sample.

Q. Right.

A. And it to have been -- that would be the only way he could have done it.

And then the determination for the B sample, we were entitled to three people going. I felt from our team perspective that Dr. Stanish should be the person going since he would understand the medical terminology and both Charlie and Dave Lyon wished to attend and I felt that to be quite appropriate.

So the three of them left from the village to attend the opening of the B sample which was to occur at 10:00 a.m.

5 Q. All right. Now, during the discussion that you had before they left to attend the B sample, was there any discussion concerning the drugs that Ben Johnson may have been on?

10 A. Yes, actually, there was. We did put in a call as well to Dr. Astaphan requesting a complete list of the medication that Ben Johnson had been on both prior to Seoul and during Seoul and asked him to document that very carefully. That was to come to the chief medical officer, Dr. Stanish, as soon as possible.

15 We also asked directly the question whether or not Ben had been on anabolic steroids during Seoul or just prior to Seoul and could this test therefore be a positive test and the answer to that was no ---

THE COMMISSIONER: You asked who, though?

20 THE WITNESS: ---from Charlie. We asked Charlie Francis that question at that time.

THE COMMISSIONER: Whether he had been on steroids?

THE WITNESS: Yes.

THE COMMISSIONER: He said no?

25 THE WITNESS: He said no and also he was

positive that there was no way that indeed Ben could have tested positive for any substance.

MR. ARMSTRONG:

5 Q. All right. So ---

THE COMMISSIONER: But he said he hadn't been on steroids?

THE WITNESS: No, he denied that he had been on steroids.

10 THE COMMISSIONER: There's two things; being on steroids ---

THE WITNESS: That's correct.

THE COMMISSIONER: ---and proving positive?

15 THE WITNESS: That's correct. And he denied both in that particular meeting.

MR. ARMSTRONG:

20 Q. All right. Now, Dr. Stanish is going to testify tomorrow so we'll have the benefit of his direct evidence as to what occurred at the B sample.

I take it from what you've just told us you were not in attendance at the Seoul laboratory?

A. No, I did not attend the opening of the B sample.

25 Q. All right.

THE COMMISSIONER: Did you speak to Mr. Johnson at that stage?

THE WITNESS: At that point I had not spoken to Mr. Johnson at all, no.

5

MR. ARMSTRONG:

Q. All right. Now, were you then involved in this incident again that day after Dave Lyon, Charlie Francis, and Dr. Stanish returned from the opening of the B sample?

10

A. Yes, I was. They returned back to the village approximately 1:30 in the afternoon, so they were gone for two or three hours at the B sample opening.

And also, during the B sample opening, Ben Johnson did appear at a -- the opening of the B sample, so he was there as well. But Ben did not come back to the village with them. Only Charlie Francis and Dave Lyon and Dr. Stanish.

15

Q. All right. Now, the letter that you had received in the early hours of the morning of September 26th from Prince de Merode, Exhibit 170, simply says, "The dope control laboratory has analyzed a urine sample provided by Ben Johnson," and it goes on to say;

20

"I regret to inform you that the result of this first analysis was positive."

25

You didn't know, I take it, prior to your group going to the opening of the B sample, what the drug was that he had tested positive for?

5 A. No, that's correct. And they were -- from what I understand, and Dr. Stanish when he testifies can clarify it for you, but it's my understanding that the first hour to hour and a half at the opening of the B sample was actually spent discussing the circumstances surrounding the time at which Ben provided the sample.

10 And they were not entitled to learn what the actual substance was until they had exhausted their questions and any statements that they wished from the laboratory technician and the representatives of the IOC Medical Commission.

15 So they will not divulge exactly what the sample is until they're right ready to go to the actual opening.

 THE COMMISSIONER: Was it fair to say that Mr. Johnson was there at the doping control station?

20 THE WITNESS: Yes. They went to the stadium to get both Mr. Johnson and as many samples of the medication as they possibly could find.

 THE COMMISSIONER: Right.

25 THE WITNESS: Which then were brought over to the IOC scientific control centre where they were ---

THE COMMISSIONER: What about Dr. Astaphan?
Had he been contacted?

THE WITNESS: He had been contacted earlier
when we were meeting between eight and ten.

5 THE COMMISSIONER: You told me that. Did he
supply the list?

THE WITNESS: He did eventually supply the
list which was delivered to the opening of the B sample.

THE COMMISSIONER: Thank you.

10

MR. ARMSTRONG:

Q. All right. Now, you said that about
1:30, Dave Lyon, Charlie Francis and Dr. Stanish returned
from the meeting?

15 A. That's correct.

Q. I take it you then assembled again, did
you, in the Canadian medical clinic?

A. No. We actually then met in my
apartment, at that time, which there was just myself there
20 so we met there. And they provided me with the
information that -- what had occurred during the B sample
and some of the things that they felt were out of the
ordinary during the actual testing procedures.

Q. All right. Now, before we get to that,
25 I take it that you were then informed that they had been

told that the banned substance for which Ben Johnson had tested positively was stanozolol?

A. That's correct.

5 Q. Now, perhaps it's better to let you just tell the story yourself. But I do want to ask this question; when Charlie Francis came back, did you -- he have anything to say about the likelihood or otherwise of Ben Johnson testing positively for stanozolol?

10 A. No, he said that there was -- there was absolutely no way that Ben could have tested positive for stanozolol. He said that it had to be either sabotage or an error.

15 Q. All right. Then why don't you just take a moment, if you will, and tell us what was discussed among the four of you in your apartment and what course of conduct was determined?

A. Well, what they then did was just took me through the events or the sequence of discussion and events that had occurred during the B sample and ----

20 THE COMMISSIONER: Well, Dr. Stanish will be testifying as to that?

MR. ARMSTRONG:

Q. Yes, he will.

25 A. There were several pieces of

information that were quite relevant then to what would be the next step we might take.

One was that Ben, himself, indicated that there was an individual in the room with him when he -- in the waiting room area, the area where the refrigerator is and the beer is kept and they are sort of spending their time until they're ready to actually give the sample, which is a different room from where they provide the sample.

And in that particular room, Ben indicated there was a gentleman about six foot two, black, whom he did not believe should have been there. And they describe certain instances and movements of that particular individual in the room including him getting quite close to Ben at certain points in time and also wanting to take -- have a picture taken of him with Ben.

THE COMMISSIONER: This is for Mr. Johnson, that is what he was saying?

THE WITNESS: Yes, that is what Mr. Johnson said apparently during the opening of the B sample or just prior to it being opened.

Also, they indicated that they felt during the actual doping procedures that the security measures were quite lax, both from the moment that they came off the finish line through to and including the actual

security measures around the doping control centre.

They also indicated that the drug, stanozolol, and I gather this information came directly from a member of the IOC Medical Commission, that that particular drug is one that is fast acting and will show up in the urine within a very short period of time after having been consumed. So, with that particular data ---

Q. I take it Charlie Francis may have passed that information on to you because he testified that he had a discussion with either Dr. Ljungqvist or Dr. Donike to that effect ---

A. That's correct.

Q. ---at time of the opening of the B sample and I think it was Dr. Ljungqvist?

A. I don't know whether it was Dr. Stanish or Charlie Francis who passed the information on in the discussion we were having but it came from then upon their return from the B sample. So, one of the two or the three of them and I don't know which one.

Q. All right.

A. But certainly Dr. Stanish also did indicate in later discussions I had with him that that was indeed discussed while they were over with the IOC Medical Commission.

So, I felt at that time because of the

information that was being provided that this particular case merited some involvement of our top Canadian Olympic Association officials in Seoul and I called a meeting of our two IOC meetings, Richard Pound and the James Worrall and the president of the Canadian Olympic Association, Roger Jackson, and I also gave Dave Lyon the opportunity to involve whomever he may have wished to from the Canadian Track and Field Association.

THE COMMISSIONER: At this stage, you didn't have the result of the B sample yet?

THE WITNESS: No, we did not. We met in Mr. Pound's room at the Shilla Hotel around 3 o'clock, 3:30 that afternoon.

Now, during that particular meeting, we also notified the Director General of the Canadian Olympic Association, Lee Crowell, but we couldn't locate him, he was at an event and so he did not attend that meeting.

But during that particular meeting we went over in great detail each of the events that had occurred from the moment prior to the run, through the run itself, and prior to Ben going into the doping control area and then the procedures surrounding the doping control centre.

We brought in several people who had been involved with Ben Johnson and with Charlie Francis during the run.

We brought in Don Wilson who was one of the RCMP officers with our team in Seoul and whom we had assigned to Mr. Johnson throughout all of the qualification runs, as well as the 100 metre run, to work with the security in the stadium to give Ben as much protection as possible.

And Don Wilson, when he spoke with us -- and we brought them each in one by one without them knowing what the others had had to say -- and Don Wilson indicated that he was in the doping control centre himself, not for the complete length of time but for about two-thirds of the time, and he was in the room with Mr. Johnson and Mr. Matuszewski, the physiotherapist, while they were waiting to go in to provide the sample.

And he also indicated there was an individual whom he did not know, why he was there, but an individual in the room who met the description that Mr. Johnson had given us earlier except that Mr. Wilson's recollection was that this individual was white, not black, and that's the only discrepancy that occurred between the two of them in their understanding of what occurred.

But, everything else concurred fairly accurately between what Mr. Johnson had told us and what Mr. Wilson indeed said he felt he had occurred. He also

indicated --

Q. Just stopping you there. Although there was obviously a dis -- a clear discrepancy in the description of the individual, both Wilson and Ben Johnson were clear that there indeed was a so-called stranger in the doping control room?

5

A. Yes.

Q. All right.

A. Then Mr. Wilson also indicated to us that the doping control centre was not as secure as he felt it should have been and I suspect that indeed the organizing committee were not completely prepared for the premiere event of the Olympic Games.

10

And there were many autograph seekers who found their way into the room to get Ben's autograph while he was waiting to provide the sample and there were also a number of people who managed to get pictures. These were all -- not official photographers of the media but photographers, just general spectating public who managed to find their way through the various secured areas.

15

20

So, indeed it had been transgressed, according to Mr. Wilson's description, of what occurred.

We then also spoke with the physiotherapist, Mr. Matuszewski, and he also concurred with Mr. Wilson's statement at the time. In other words, the description he

25

gave us of the individual in the room concurred more closely with that than Mr. Wilson had given us in terms of skin colour and then all of the other variables were also identical.

5 He did not comment at all on the security as much as Mr. Wilson but I suppose that Mr. Wilson would have been more attentive to those kinds of things with the background that he has.

10 We then brought Diane Clement in who, at that time, was the team leader with Mr. Johnson in the doping control area. But she was not as clear in terms of what occurred because she herself had been in and out of the doping control centre and had not spent as much time with Mr. Johnson as the others had.

15 Apparently, Mr. Johnson wanted to talk to his mother and she was trying to find his mother and she was up and down from the stands, so her information to us was not at all helpful in terms of what we were trying to ascertain.

20 We then also had Mr. Johnson with us for about five minutes and we simply asked Ben if he felt he was guilty and his response was no, he wasn't. He then spoke briefly again of the occurrences in the doping control centre and the stories were identical to what we
25 had already heard.

Q. So, up until you had spoken ---

THE COMMISSIONER: Was that the first time you actually spoke to Mr. Johnson?

5 THE WITNESS: That was the first time I actually saw him and I did not speak directly to him.

THE COMMISSIONER: Did you ask him whether he had been on any drugs at all?

10 THE WITNESS: We asked him if he was guilty of this particular offence and he said no. We did not ask him the question of whether he had been on drugs at all. We had simply asked him whether he was guilty of this offence.

MR. ARMSTRONG:

15 Q. Okay. And as I understand it, and we'll hear later from Mr. Pound when he testifies, that Mr. Pound himself had his own direct conversation with Ben Johnson, is that not so?

20 A. Yes, it was. Before Mr. Johnson left Mr. Pound's room, Mr. Pound took him aside and spoke with him briefly for maybe two or three minutes, not an extended period of time at all.

Q. All right.

25 A. And then Mr. Johnson left and -- left the hotel to go back to his own hotel.

Q. Now, you're doing well here so I hesitate to interrupt you. You've got an excellent memory of who all was there. You haven't mention Charlie Francis? Was he ---

5 A. The whole time, in the afternoon, Charlie Francis was there and Dave Lyon arrived a little late but he was there for the majority of the meeting as well. After we spoke with Mr. Wilson, he remained in the meeting for the balance of the time as well.

10 Q. Now, during the course of the meeting in Mr. Pound's suite, I take it that everything that Mr. Francis ---

THE COMMISSIONER: Was this another meeting at Mr. Pound's suite?

15 MR. ARMSTRONG: No, no, no. Same meeting.

THE WITNESS: No, this was an afternoon meeting that was called in his room.

MR. ARMSTRONG: It was the afternoon meeting.

20 THE COMMISSIONER: It was in Mr. Pound's suite, was it?

THE WITNESS: Yes.

MR. ARMSTRONG:

25 Q. Yes, it was. They had -- the

chronology appears to be after the B sample was opened, they -- four of them met initially in Mrs. Letheren's apartment and they decided to get the senior officials of the Canadian Olympic Association involved and the two IOC representatives. So you're in Mr. Pound's suite with Dr. Jackson, Jim Worrall?

A. Charlie Francis.

Q. Charlie Francis?

A. Dave Lyon, and then after Don Wilson met with us he remained with us as well.

Q. Then you proceeded to meet with the individuals who were involved?

A. Yes. And after we met with them, then they left, the physiotherapist, Diane Clement and Mr. Johnson.

Q. All right. Now, what about Dr. Astaphan? Did you meet with him?

A. No, we did not meet with Dr. Astaphan at all.

Q. All right. Now, you had indicated that before Dave Lyon, Charlie Francis and Dr. Stanish had gone to the opening of the B sample, early in the morning, that a call had been placed to Dr. Astaphan to get the list of medications that Ben was on. Did that list ever appear?

A. Yes. When they arrive at the B sample,

I believe a list, and Dr. Stanish can tell you whether it was a complete list or not, plus a bag containing some of the medication, containing some pill bottles and plus the water bottle that had the sarsaparilla, the concocted
5 fluid, I guess, out of the West Indies and ---

THE COMMISSIONER: What about honey and vinegar?

THE WITNESS: I don't know of any honey and vinegar at all.

10 MR. ARMSTRONG:

Q. All right. Then, Mrs. Letheren, I take it that all of your contacts again at this meeting in Mr. Pound's suite with Mr. Francis was consistent with his
15 position being that Ben Johnson was not on steroids and, in particular, was not on stanozolol?

A. Yes, and what we did -- we assumed that we had an athlete here with a case that had to be put before the IOC Medical Commission of a clean athlete and
20 that's what we were dealing with as a group, at this time.

Q. And again, I take it developing a case that would proceed on the basis that either there's some error in the testing or there must have been some sabotage that had occurred, that appeared to be revolving
25 around now the presence of a stranger in the doping

control room?

A. And if not sabotage, what we were also intending to put before the IOC Medical Commission is that we felt, from what we were hearing, that there was
5 certainly reasonable doubt in our minds that the -- all of the rules and regulations surrounding the doping control centre had indeed been enforced.

THE COMMISSIONER: I think you said that your position was on the assumption that he was a clean
10 athlete, is that what you said?

THE WITNESS: That's correct.

MR. ARMSTRONG:

Q. All right. Now, have we then covered
15 all of the discussion and events that transpired so far as you remember them in Mr. Pound's suite?

A. Well, once we finished with the individuals we just spoke of who provided us with some direct information of what occurred, we then actually
20 spent a good couple of hours developing our case and our presentation to the IOC Medical Commission.

And it was my request that we maybe treat them like a little bit of jury, I guess, and I asked if Mr. Pound would mind being the spokesperson on behalf of
25 our group and he agreed to do that.

We also determined that, going into that meeting, and this was also at Charlie Francis' and Dave Lyon's request, we would go into the meeting showing them the intent of our seriousness of the situation by taking
5 in our two IOC members, the president of the Canadian Olympic Association and then the two required people from the team, myself and Dr. Stanish.

And those are the five individuals who actually eventually went into the IOC Medical Commission's
10 offices.

Q. All right. And you were invited to attend there at ten o'clock ---

A. Ten o'clock at night.

Q. According to this letter, Exhibit 170?

15 A. That's correct.

Q. Ten o'clock that evening?

A. I should point out, at this point, we were also trying our best to keep this story from the media because we recognized that should there be any
20 chance that there was an error or there was some irregularity in the testing procedures and the athlete was exonerated, that we didn't wish it to be a public discussion.

THE COMMISSIONER: At this stage, you didn't
25 have the results yet either of the B?

THE WITNESS: No, we did not, that's correct. We did not receive the results of the B sample until we actually met with the IOC Medical Commission.

5 MR. ARMSTRONG:

Q. All right.

A. We made some attempts as a result of that, because we felt that there probably had been some leakage of the story out there. We made some attempts by
10 phone calls to the Prince de Merode to see if we could not have the location of the meeting changed from the normal hearing room where the IOC Medical Commission met nightly, but they would not agree to this. They were going to follow their procedures to the letter of the law so we
15 were required to follow them as they had laid them out.

Q. Well, I take it then that as this delegation of every senior official of the Canadian Olympic Association arrived at ten o'clock at the Shilla
Hotel, it didn't take a rocket scientist to figure out
20 that there was something serious afoot?

A. Well, we were all at the Shilla Hotel, though. We were in Mr. Pound's suite and had been there since 3:00 in the afternoon and we stayed there. We didn't go out and we didn't go down to the lobby. We went
25 directly from there which was -- and I can't remember the

floor -- I think it was the 19th, actually -- we went from there to the top floor where this meeting occurred. So...

Q. All right. And indeed, prior to the meeting with the IOC Medical Commission at ten o'clock that night, was there already some speculation in the -- among the media and out in the public forum, as it were ---

A. Yes, there was.

Q. ---that Ben Johnson had tested positively?

A. Yes, there was some speculation and as to where the leak came from, no one knows and I don't have any idea.

Q. All right. So then I take it the next step in this chronology is having sat down for a couple of hours, discussed what your approach is going to be to the IOC Medical Commission, having discussed who would represent the Canadian delegation, you then showed up at ten o'clock?

A. Yes. Then at ten o'clock, we went to the meeting of the IOC Medical Commission and this was a meeting of the full commission at that time.

THE COMMISSIONER: Was Mr. Johnson present?

THE WITNESS: No, he was not.

MR. ARMSTRONG:

Q. And whose decision was that, that he
not ---

5 A. That was Charlie Francis and Dave
Lyons. They preferred that we go in as we did and just
present the case as it was.

Q. All right. So, can you give us your
best recollection, please, of what transpired at this
meeting of the IOC Medical Commission?

10 A. Yes. They -- the first hour and a half
basically was spent with us providing for them our
testimony, if you like, of what we felt had occurred at
the time of Ben Johnson's dope test. And they allowed us
actually to go through the whole story, through the issues
15 of security or lax security.

They allowed us to discuss with them the
possibility of a third party involvement. And they also
interjected at one point in Mr. Pound's deliberations to
provide us with the results of the B sample.

20 And at that time, they indicated that the B
sample had also tested positive for the same drug but they
also provided us with two other additional pieces of
information.

25 One, that the level of the drug in the
system, and to use their words, was grave.

And, secondly, that the analysis indicated long-term usage because there was some suppression of the adrenal gland.

5 Q. And I take it this information was provided during the course of this meeting? It wasn't provided before the meeting had started?

10 A. No, it was provided after we commenced with our story. They interjected and indicated that this -- that they now had the results and they read them to us.

Q. All right. In a sense, you were getting the evidence, as it were, during the course of your appeal?

A. Yes.

15 Q. I see.

A. In the IOC chronology, you're guilty until proven innocent.

THE COMMISSIONER: Well, is that right? Because they had the positive test first.

20 THE WITNESS: But they keep you pushing water uphill all the way. They give you no results and no information.

MR. ARMSTRONG:

25 Q. They didn't have -- they didn't have

the final result of the B test.

THE COMMISSIONER: I understand that.

MR. ARMSTRONG: Until they were halfway through their submission.

5 THE COMMISSIONER: I understand.

THE WITNESS: Then that first hour and a half that we were allowed to present our data and information and then we were asked to leave the room so that they could deliberate as a group. And we went into a holding room just outside the actual conference room and spent the next two hours waiting for them while they deliberated.

10

MR. ARMSTRONG:

15 Q. All right. Before you tell us what occurs next, did you, during the course of your attendance with the Canadian delegation at the IOC Medical Commission meeting, take a few notes?

A. I did take a few, yes.

20 Q. All right. And ---

A. You're politely calling them notes.

Q. All right. And you were kind enough to provide me with your original.

THE COMMISSIONER: I think she can read that. It doesn't need to be exhibited, I don't think.

25

It's just an aide memoire to her memory.

MR. ARMSTRONG: Well, it is but it may well be, as matters turns out, to be one of the few written records of what actually occurred inside the IOC Medical Commission. I have asked for and have not yet received the minutes of that meeting.

THE COMMISSIONER: I see. All right.

MR. ARMSTRONG: And I thought it would --

THE COMMISSIONER: These are notes taken by you at the time?

THE WITNESS: Yes, and they're very sketchy. They're not at all comprehensive.

MR. ARMSTRONG: I'm in your hands. Would you like to look at them?

THE COMMISSIONER: Yes. I don't know -- if they're not complete, I don't know -- I think Ms. Letheren has an excellent memory. Was this in chronological sense? I see sample B, identical sample A. Was that told to you fairly early in this?

THE WITNESS: Well, I started out sort of jotting notes as Mr. Pound was speaking and he was presenting our case and then they interrupted him and provided us with the sample B results.

THE COMMISSIONER: It says, "Watch Ken Fish. Ken Fish." Why were you watching Ken Fish?

THE WITNESS: Ken is the gentleman who delivered the letter to me in the wee hours of the morning and I was simply writing a note to Dr. Stanish.

THE COMMISSIONER: To watch him?

5 THE WITNESS: Yes.

MR. ARMSTRONG: I've got to follow the notes.

THE WITNESS: Actually, it's an inside joke.

10 THE COMMISSIONER: Well, I won't get into that. You'll tell me later?

15

20

25

THE COMMISSIONER: Well, if you put it in, I just don't think it adds very much, Mr. Armstrong, but if you want to put it in, put it in.

THE WITNESS: I apologize that they are not
5 very complete notes.

MR. ARMSTRONG: Well, could we then, sir, have these marked as the next exhibit.

THE REGISTRAR: 171.

10 ---EXHIBIT NO. 171: Handwritten notes made by Carol Ann Letheren dated September 26, 1988.

THE COMMISSIONER: All right, go ahead, please.

15

MR. ARMSTRONG:

Q. All right. Then there is a reference here to Ljungqvist. I take it that that's Dr. Ljungqvist, the gentleman who was in charge of the doping control area
20 after the 100 metres final?

A. That's correct, yes.

Q. All right.

A. He spoke to the conditions as he saw it surrounding the doping control centre at the time of Mr.
25 Johnson's entry into the centre and also during his stay

there.

Q. So I take it what had happened was Mr. Pound during the course of his submissions to the IOC Medical Commission must have raised the issue concerning the stranger, concerning the lack of security, the fact that there appeared to be people in and out of the area?

A. That's correct. He raised all of the issues that we had discussed.

Q. And Mr. Ljungqvist who was at this meeting must have, in a sense, responded to the things that Mr. Pound was saying, I take it?

A. Yes, and his response was to the best of his knowledge, the centre had handled all of the doping tests adequately and that the area had been correctly secured.

Q. All right. And at the top of the second page, there is a note, "Should complain prior or at time of signing." What is that in reference to, please?

A. Well, when we indicated to them that we felt that there were some things that had occurred during the time that Mr. Johnson was there, such as the individual whom we could see no reason for him being there, they indicated to us that at the time that you actually provide the sample, you and your representative, the individual accompanying you to that particular area or

that particular part of the doping control centre, you sign a form indicating -- on that form you're stating whether or not there were any abnormalities that occurred at the time of testing.

5 THE COMMISSIONER: We have that here. It's sorted in the files.

 THE WITNESS: Yes, and what they were pointing out to us that neither Mr. Johnson nor his representative indicated at that time that there were any
10 abnormalities whatsoever, and they felt that if we were going to be pointing them out, we should have pointed them out at that time.

 MR. ARMSTRONG:

15 Q. All right, and then there is a note on the third line of the second page, "Steroid profile is strange, concentration is grave." Who was it that said that?

 A. I can't remember the name of the
20 individual, but it was one of the individuals who had come back from the lab and a member of the IOC Medical Commission. It may have been Dugal, Robert Dugal from Montreal, but I don't know. I can't recall. Certainly it was one of the members of the IOC Medical Commission who
25 had the results of the test with him.

Q. All right, and what is this reference?
It points out the problems of medical people outside--

THE COMMISSIONER: A long application of a steroid.

5 MR. ARMSTRONG: I'm sorry, yes.

A. That was also part of the results of the B test. When they indicated that analysis on it demonstrated that there had been long use or a long time--it had been over a long period of time that Mr.
10 Johnson had been taking steroids and they also further explained that the way they could detect this is because the adrenal was suppressed.

MR. ARMSTRONG:

15 Q. And your note points out the problems of medical people outside the team. What does that refer to?

A. That was another note that I wrote actually to Dr. Stanish. One of the recommendations that
20 I've made as part of my responsibilities as Chef de Mission that I feel that if medical people are going to be accompanying our athletes in such things as the doping control centres, it should be an official member of our medical team. The person who accompanied Mr. Johnson was
25 the physiotherapist, but he was not part of our

physiotherapy team so he was not part of our own official group. He was there as a named official with the track and field team.

Q. Well, I'm sorry. I thought --

5 A. Do you want me to explain the difference?

Q. Well, I had thought that--

THE COMMISSIONER: The athlete has a right.

10 MR. ARMSTRONG:

Q. --Matuszewski, the physiotherapist, was an accredited member of the Canadian team.

15 A. What we do, once the athletes are named, each sport governing body is entitled to a certain number of officials based on a ratio of officials to athletes. They can name whom they wish. They can name all coaches or they can have a combination of coaches and other medical people whom they wish to have with the team. We leave that up to them.

20 So yes, he was named by the track and field association and he therefore was an accredited official with the Canadian team, but he was not a member of the Canadian medical team in Seoul. So he was not named by the Sports Medicine Council of Canada as one of our
25 official medical people.

Q. I see. So--

A. And it's my feeling, as having gone through this experience in Seoul, that in the future, the individual accompanying our athletes into the doping control centre should indeed be someone who we are absolutely convinced knows each and all of the rules and regulations surrounding the doping control centre so that, for example, any abnormalities would have definitely been reported.

Q. And you have made a note here following. I don't know if it follows from the same points you're making, but accompanying persons should protect his athlete? Is that the following thought?

A. That's the same point.

Q. So in other words, if Ben Johnson had had with him a person in the doping control room who was part of the Canadian medical team as nominated by the Sports Medicine Council of Canada, I take it your view that he or she would have been appropriately trained and appropriately aware of all of the doping control procedures and then at that time may well have made the notation or made the objection that the place wasn't sufficiently secure. Is that the point?

A. Yes. That's not to suggest that Mr. Matuszewski wasn't doing his job at all because I

understand under the circumstances, it's always easier to have 20/20 vision in hindsight than it is to perhaps at the moment recognize the implications, but certainly the people who were under the auspices of Dr. Stanish had actually gone through all of the doping control procedures and understood them carefully. So that they I think would have at least been much more aware of the ramifications of each step.

Q. And again we'll hear from Dr. Stanish. As I understand it, he will tell us that his staff even ran mock doping control procedures for athletes who had never been subject to doping control before and were not familiar with the procedure?

A. That's correct. That was offered to every athlete and every coach and every official. If they wanted to indeed familiarize themselves so they were not caught off guard with anything.

THE COMMISSIONER: Well, while you're waiting for the verdict -- you were out waiting for the verdict I think for two and a half hours?

THE WITNESS: Yes, we were.

THE COMMISSIONER: And while you were doing that, I notice Mr. Ljungqvist, what exact role did he have? He was called as a witness before the commission.

THE WITNESS: Was he? He was--Mr.

Ljungqvist?

MR. ARMSTRONG:

5 Q. Was he a member of the IOC Medical
Commission?

A: Mr. Ljungqvist is a member of the IOC
Medical Commission.

THE COMMISSIONER: But I notice he
testified and gave some statement.

10 THE WITNESS: Yes, when Mr. Pound had
finished --

THE COMMISSIONER: What position did he
have in the doping control room?

15 THE WITNESS: His responsibility as a
member of the IOC Medical Commission was the actual doping
centre at the stadium, at the main stadium.

THE COMMISSIONER: Thank you.

20 THE WITNESS: As best I understand it, each
member of the IOC Medical Commission is assigned an area
of responsibility because the doping control centres are
obviously at each of the various sport venues, and his
particular responsibility was where track and field was
taking place.

25 THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. And just to clarify one point about the procedure that was adopted before the IOC Medical Commission, I take it that people didn't actually testify,
5 that you didn't have witnesses called--

THE COMMISSIONER: It's a comment, I should think.

THE WITNESS: Yes, it's a comment.

THE COMMISSIONER: He's responding to the
10 question of the stranger?

THE WITNESS: Yes, he was responding to that as well as the fact that we felt that the actual security measures surrounding the doping control centre were questionable.

15

MR. ARMSTRONG:

Q. I take it what was happening at this meeting was that it turned into a little bit of a dialogue between Mr. Pound, on the one hand, and the various
20 members of the IOC Medical Commission who had some information on the other hand?

A. Yes, it did. And Mr. Pound of course was actually presenting our data, but he was also presenting it to his colleagues because the chairman of
25 the commission is also a member of the executive board of

the IOC.

Q. And as he proceeded, again we will have the benefit of his evidence and Dr. Stanish's evidence, but as he would proceed to make a point, the IOC Medical
5 Commission would deal with the point based on whatever information they would appear to have?

A. That's correct.

Q. All right. So we have you adjourned then to some holding area outside the room that the IOC
10 Medical Commission was meeting in?

A. That's correct, and they proceeded to deliberate for a further two hours, two and a half hours. Something in that neighbourhood. And then they called us back into the room and simply read us the formal statement
15 which was the conclusion of their discussion and, as they indicated, having taken into account all the evidence that we presented to them. And I believe I have given you a copy of that statement. It also--it's actually in the form of a press release, but it was identical to what they
20 read to us the night before.

Q. That's it, I think, is it?

A. That's it.

Q. All right. I've just put in front of Mrs. Letheren the statement which she gave to us. It's in
25 English and French and it's dated Seoul, the 26th of

September. I'm going to ask her to read it, but before we do that, could we have it marked as the next exhibit.

THE REGISTRAR: 172.

THE COMMISSIONER: 172. Thank you.

5

---EXHIBIT NO. 172: Formal statement from the IOC Medical Commission in English and French dated Seoul, the 26th of September.

10

MR. ARMSTRONG:

15

Q. Just so I understand it, Mrs. Letheren, after waiting for two and a half hours, you were called in and then the chairman, Prince de Merode, simply read to you what the recommendation of the IOC Medical Commission was as is set out in this press release that we've now marked Exhibit 172?

A. That's correct.

Q. Would you read it, please.

20

A. "This is the recommendation of the IOC Medical Commission to the IOC Executive Board. The urine sample of Ben Johnson (Canada-athletics-100 metres) collected on Saturday, 24th September, 1988, was found to contain the metabolites of a banned substance, namely stanozolol, an anabolic steroid.

25

The IOC Medical Commission discussed all arguments presented by the Canadian delegation, especially the statement that the substance in question might have been administered after the competition by a third party. The steroid profile, however, is not consistent with such a claim.

The IOC Medical Commission recommends the following sanction: Disqualification of this competitor from the games of the XXIV Olympiad in Seoul. The decision remains independent of any sanction which the international federation concerned may wish to apply in accordance with its own regulations.

Q. All right. Now of course as this document indicates, that simply was the recommendation of the IOC Medical Commission, and in order to put this in the form of a final decision, it had to be dealt with the following morning by the IOC Executive Board?

A. That's correct.

Q. Okay. Before we get to that, having been informed by the chairman of the IOC Medical Commission that this was its recommendation, was there any further discussion at that meeting or was that it?

A. No, there wasn't, and they informed us that if the executive board approves their recommendation, then that is final and there is no recourse.

Q. So what was the next thing that--

THE COMMISSIONER: I notice, was this typed in later, the recommendation of the IOC Medical Commission to the IOC Executive Board? "Unanimously approved by the IOC Executive Board."

THE WITNESS: Yes, because what you have actually, which is the identical statement they read to us, but this is actually the press release that they then handed out the following morning.

THE COMMISSIONER: The next day.

THE WITNESS: Yes.

THE COMMISSIONER: And by that time they add the words "unanimously approved by the IOC Executive Board"?

THE WITNESS: That's correct, yes.

MR. ARMSTRONG:

Q. Thank you. I overlooked that. Mrs. Letheren, then what happened? Please tell us.

A. Then the Prince de Merode accompanied us down a back stairwell because the--

THE COMMISSIONER: You were in the early hours of the 27th by this time, weren't you? Things started at 10 o'clock--

THE WITNESS: The 27th, you're right.

MR. ARMSTRONG: Early Tuesday morning.

THE WITNESS: Yes, we're now at about 1:30, 2:00 a.m. on the morning of the 27th. Prince de Merode accompanied us down a back stairwell that led to the lounge in the Shilla Hotel where we then met with Charlie Francis, and Dave Lyon had gone at this point back to the village so we met only with Charlie and gave him the actual results of the IOC Medical Commission. We also as a group determined that there was--

THE COMMISSIONER: I'm sorry, was Mr. Francis there during the presentation to the IOC Medical Commission?

THE WITNESS: No, he was not. We then determined that we would not discuss this at all yet with the media since the final verdict was yet to come from the IOC Executive Board, although as Mr. Pound indicated, that was really very much a formality, but we still felt that given the nature of this case, that we should wait until that moment. We knew that they would be meeting at 8:30 a.m. and that they would have a press conference at 10:00 a.m. and so we determined that what we would do is follow their press conference with one of our own.

Q. I see. Now was some decision made and procedure worked out to speak with Ben Johnson?

A. Well, as we were sitting in the lounge

discussing how we would handle the media issue, I indicated that I wanted to directly indicate to Mr. Johnson the verdict that we were dealing with, and I also had been told that I would have to receive the gold medal back because it would have to be in the IOC's hands.

THE COMMISSIONER: At this stage though, you hadn't gotten the executive board decision?

THE WITNESS: No, that's correct.

THE COMMISSIONER: You assumed that would follow?

THE WITNESS: That's correct. We were also told that it would have to be handed back within minutes after their formal announcement. So we left the Shilla Hotel, and the people who left were Don Wilson, the RCMP officer, and Dr. Stanish and myself and Charlie Francis and went over to the Hilton Hotel where Ben Johnson was accommodated.

Mr. Francis asked if he could please have a half hour or so with Ben before we went up, and I felt that was certainly a reasonable request so we waited in the lobby for Mr. Francis to come down and get us. And we went up to the room, to Ben's hotel room, and had the opportunity then to tell Ben what the verdict of the IOC Medical Commission was.

MR. ARMSTRONG:

Q. Who was there?

A. We were in the room--Mr. Johnson himself, his mother and his sister, Mr. Heidebrecht, his manager, Mr. Francis and Dr. Astaphan and Mrs. Astaphan.

Q. Yes?

A. We indicated to him the verdict from the IOC Medical Commission, the possibilities of the IOC Executive Board doing anything with it other than approving it and also indicated to him that there were two unpleasant tasks; one is that he would have to be removed from the Canadian team, as is our policy; that he would have to return the gold medal, and that should he decide with his family to leave Seoul, which we felt was in his best interest, that we would assist he and his mother and his sister in every way possible with as expedient arrangements as could occur.

Q. First of all, did you get the gold medal back?

A. Yes, Mrs. Astaphan actually handed it to me. It was on a bedside table beside Ben's bed.

Q. And presumably arrangements were worked out at that time to have him return immediately to Canada, I take it?

A. At Ben's request. Some other members

of the group were indicating that they felt perhaps he might want to go to Tokyo or to some other location, but Ben himself said no, he wanted to go back to Toronto. So yes, then when we left the hotel, we immediately began the arrangements to do that. We also left -- at this point the second RCMP officer had joined us and we left both RCMP officers in the hotel with Mr. Francis and the Johnson family to assist them in the event that there were any difficulties with media or any other people who may intrude on their privacy.

Q. All right. Now since this whole drama, as it were, had begun to unfold, the 24 hours before with the delivery of the letter from Prince de Merode to your apartment at 1:45 in the morning, had you yourself met Dr. Astaphan?

A. No, I hadn't. Not until that evening in Mr. Johnson's room.

Q. That morning?

A. I mean that morning.

Q. And what, if anything, do you recall Dr. Astaphan having said when you went to Ben Johnson's room?

A. He was certainly saying a number of things, but the one thing that I clearly remember him saying is he asked Ben while we were there whether or not

Ben had taken any of the pink pills.

Q. And what response did Ben Johnson make to that?

5 A. Ben gave no response. Ben did not say one word the whole time we were in the room. The only thing Ben did was put his hand out to shake my hand when I first arrived and also when I left, but other than that, there were no gestures and there was no discussion or not even a word from Ben.

10 Q. And--

A. Pardon me, other than him saying that he wanted to go back to Canada. That was the only other.

15 Q. And throughout the day, the reaction from Charlie Francis in general terms over initially the prospect that Ben Johnson had tested positively for stanozolol and then being informed finally that indeed he on the B sample had tested positively for stanozolol and was disqualified, what was Charlie Francis' reaction?

20 A. Charlie Francis had provided us with information that indicated to us we were dealing with a clean athlete until we received the results of the B sample at the meeting of the IOC Medical Commission.

25 Q. All right. And was Charlie Francis upset over being advised that Ben Johnson was disqualified?

A. Yes, he definitely was upset. There is no doubt about that, and obviously very exhausted at this point in the process, and he really said very little after the official results were given to us.

5 Q. When you gave him the official results, that would have been in the lounge of the Shilla Hotel?

A. Yes, that's correct.

Q. After the IOC Medical Commission meeting?

10 A. Yes.

Q. Or after the IOC Medical Commission had informed you. Did you tell Charlie Francis at that time or did Dr. Stanish or anybody else tell him at that time that the IOC Medical Commission had informed you that his
15 steroid profile was such that had indicated long-term use?

A. We indicated that to Charlie while we were discussing it in the lounge immediately after the meeting.

20 Q. What was Charlie Francis' reaction to that information?

A. Charlie did not respond.

Q. All right. Then presumably you then went back to your apartment and readied yourself for the press conference later that morning?

25 THE COMMISSIONER: For the receipt of them.

A. Yes, we did. Pardon?

THE COMMISSIONER: You hadn't yet formally been advised of the executive board decision?

THE WITNESS: No, that's correct. We left,
5 I think it was around 5:00 a.m. that we left Mr. Johnson's hotel room, and Dr. Stanish and I went back to the Olympic Village, leaving Mr. Wilson and the other RCMP officer with the Johnson family. We woke up the Director of Operations, Greg Mathieu, and asked Greg to -- well, we
10 tried to grab maybe an hour's sleep -- if he could put into place the arrangements for them to depart from Seoul.

So he then went ahead with those arrangements. We grabbed an hour's sleep and were back up again around 6:30, met with both the medical staff and our
15 own team mission staff because up until this point in time, we had not informed anyone in the village about what was really going on. There were certainly lots of speculation and they certainly knew that there was something amiss because we had never been away from the
20 village for that extended period of time, but they really did not know what.

So we met with both of the staffs and indicated to them what had occurred, what was yet to occur and asked them to ensure that the athletes who were still
25 competing and who were back in the village were looked

after as best as possible during the next 24 hours, and then we went back to the Shilla Hotel to meet with the Canadian Olympic Association officials and officials of the Canadian Track and Field Association to determine exactly how we would conduct the media conference at 11:00 a.m.

We received the verdict of the IOC Executive Board while we were at the Shilla Hotel. At this time we were meeting in Dr. Jackson's room.

MR. ARMSTRONG:

Q. So then that was the final word that indeed you expected, and presumably then the next thing that happens is you proceed to the press conference?

A. That's right. Then we went over to the international broadcast centre and managed to listen to at least the last three-quarters of the IOC press conference and then at 11:00 a.m. delivered our own.

Q. All right. Then, Mrs. Letheren, I wanted to ask you a couple of questions about Ben Johnson. When did you first meet Ben Johnson apart from his participation in the Seoul Olympic games?

A. I met Mr. Johnson on many occasions at media conferences and things, but never to really say more than hello to him, but I did have an occasion in March of

1988. The Canadian embassy in Seoul actually had what they called "Canada Week" in Seoul which was a public relations venture, if you like, to attract business, Canadian business to Seoul, to South Korea.

5 It was a trade exhibition, a number of speakers, but they also invited a number of our top athletes as well as some of our top artists and performers. And from the Canadian Olympic Association, we had our two synchronized swimmers, Carolyn Waldo and
10 Michelle Cameron, and we had Ben Johnson, our team information officer, Frank Radcliffe, and myself in attendance. It was during that particular event that I did have occasion to speak with Ben a couple of times.

 One was just following a media conference
15 where our athletes, where they had participated, and we were out in the main hall for a reception, and it was where the trade exhibitions were and there was one exhibition of Ben's world record run in Rome and they had a video tape playing at the same time of that run.

20 Ben grabbed my arm and said, "Come on over here, I want you to see something." And we watched his video tape and he said, "Did you notice that I stumbled out of the blocks in Rome," and low and behold, when you watched that video tape, he did stumble out of the blocks.
25 And he said, "I've corrected that and I'm going to run a

9.78 in Seoul." That was one encounter with him, and then there was a black tie dinner which was a twinning of two towers, the Calgary Tower with the tower in Seoul, and our three athletes--

5 Q. This is again in March?

A. This was during this March Canada Week, and our three athletes were to be three of the premier stars of this particular dinner. Ben left the dinner midway through the dinner because he wasn't feeling all
10 that well, but he indicated that we should come up and get him when it was his turn to be on camera.

So I was seated at the back of the room at a table, and when he arrived back, he was about ten minutes early for his participation so he sat down beside me and
15 at that point in the program, one of our 14-year-old Canadian pianists from Calgary who was a Korean Canadian was performing. Ben nudged me and said, "Have you ever seen such talent in all your life?" He said, "It's remarkable," and he said in such a young person, and then
20 the broadcast group from the Korean Broadcast Association were trying to move Ben into position because he was to be one of the next on the program, and he turned to them and very politely said to them, "When she's finished playing, I'll move." Those are my two encounters prior to Seoul
25 with Ben, both of which indicated to me that I was dealing

with a very well brought up and highly sensitive individual.

Q. And any other contact with him apart from that contact that you had at Seoul that you have just described or were they just sort of the fleeting contacts which you might have with any other member of the team?

A. The only other time was obviously the Ontario Sports Award Dinner which was in, I think, April of '88, and I was seated at the table with his family. Ben was at the head table, but when he received his award, I obviously had an occasion to watch the interchange between his family and Ben, and there obviously is a great deal of affection and love there, and he spoke a few words when he received the award and one of which was to indicate that his mother prays for him everyday and he wanted to thank her, and then he came down to the table and I had a chance to just give him a big hug and congratulate him, but that's really about it.

Q. Did you, perhaps it's unfair since your contacts haven't been all that extensive, but did you form any particular opinion about the character of Ben Johnson in general terms, what kind of a person he was?

A. Only that at all times when I was with him, he was certainly courteous and well-mannered, a very polite individual and a highly sensitive individual,

certainly in those circumstances in which I had contact with him. But I had no opportunity to have a real conversation with Ben to really determine much else about the individual.

5 Q. Okay. Well, thank you. Those are all the questions I have before lunch.

THE REGISTRAR: Commission adjourned until 2:30

10 ---Commission adjourned.

15

20

25

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner. I have no further questions.

5 THE COMMISSIONER: Thank you. Mr.
Bourque.

MR. BOURQUE: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. BOURQUE:

10 Q. Mrs. Letheren, I am Roger Bourque, I
represent the Canadian Track and Field Association.

THE COMMISSIONER: Yes, Mr. Bourque, thank
you.

MR. BOURQUE:

15 Q. Now, I understand, Mrs. Letheren, that
you found yourself, without any notice, involved in some
very difficult and trying circumstances in Seoul. And it
is my understanding from the evidence this morning and
elsewhere that you conducted yourself with considerable
20 aplomb.

I want to ask you some questions, and I hope
you realize that in asking these questions, like the
Commissioner, we sometimes have an eye to the future and
we don't wish to judge in hindsight at all. I hope you
25 consider that when I ask you these questions.

Now, you have told us this morning that one of the first persons that you and Dr. Stanish contacted the morning of September 26th was the track and field team manager, Mr. David Lyons?

5 A. That's correct.

 Q. And you have described him as the liaison with the CTFA; is that correct?

 A. No, not with the CTFA. Dave Lyon was one of two team leaders with the track and field team. So, he was our liaison with the team in Seoul, as distinct from the Canadian Track and Field Association officials.

 Once we become a team, as such, of athletes and coaches, we don't relate directly back to the actual formal organization from which they come. That's up to them to work with their own organization.

15 Q. And you did testify, however, that you asked Mr. Lyons at around 7 o'clock, the morning of September 26th, who should be involved for the CTFA, and I believe you said he chose Mr. Francis. Have I got that correct?

 A. We indicated not so much whom should be involved from the Canadian Track and Field Association, but whom would he like to have, first of all, at the opening of the B sample.

25 Q. All right. And then later in the day,

you had this meeting at 3 o'clock in Dr. Pound's suite at the Shilla Hotel. And I believe you said you again gave Mr. Lyons the opportunity to involve someone else. Was that on behalf of the CTFA?

5 A. No. Again it is really up to them whom they wish to have involved. We said that we would like to keep the numbers down obviously because the fewer people who know the less likely it is to leak to the media, but it was up to them whom they would like to have or whom
10 they felt ought to be involved in that meeting.

 Q. I see. Have I got it correct, however, that you asked Mr. Lyons in the afternoon at Dr. Pound's suite if there was someone else he wished to have involved at that meeting?

15 A. Well, we did ask him that, but we asked him that -- we asked him that earlier on. We actually, when they came back from the B sample, they were in my apartment and we indicated that it was up to them whom they wished to have go over to the Shilla Hotel to Mr.
20 Pound's suite.

 Q. All right. And Mr. Armstrong has corrected me, Mr. Pound's qualifications are --

 A. Not a doctor.

 Q. -- are not in the medical field at all.

25 THE COMMISSIONER: He is a lawyer.

MR. BOURQUE: Well, he is not qualified to do anything, is he.

THE COMMISSIONER: I will make no comment.

5 MR. BOURQUE:

Q. Then you said later on in the meeting that you and others there decided that representations to be made to the IOC Medical Commission that evening should be made by the COA's top people?

10 A. Well, the IOC Medical Commission first of all in the letter, the one that we passed around earlier this morning, indicates that I myself have to attend, as did the chief medical officer have to attend. And then it was up to us if we chose to bring any other
15 people to the meeting.

And in our discussions during the afternoon, we determined because of the nature of the evidence we were going to be presenting, that we should indeed take our IOC members and, obviously, the President of the
20 Canadian Olympic Association.

Q. In other words, your top people?

A. Uh-huh.

Q. Now, did you at that time, and when I say you, I mean all the people we are talking about --

25 A. I understand.

Q. -- not just you. Did you at that time consider that it might be appropriate to involve the top officers from the CTFA?

5 A. No. That was again the responsibility of the team leader, because we are dealing with the team at this point in time. And I understood that Mr. Lyon was in touch with both the president and the Chairman of the Canadian Track and Field Association by telephone.

10 Q. Do you know at what time of the day he was in touch with them?

A. I couldn't give that information, no, I am sorry.

15 Q. And did you become aware at any time during the course of that day, September 26th, that Mr. Dupres and Mr. Ouellette were making repeated attempts to reach you at your room?

20 A. Yes, I knew. Dave indicated -- Mr. Lyon indicated they were trying to reach me at my room. And I returned a couple of phone calls to them, but they were not able to be reached.

Q. At what time?

A. I couldn't tell you what time; some time during the afternoon. I know I called once from Mr. Pound's suite, but I don't know at what time.

25 Q. All right.

A. I also attempted to reach them the morning, early in the morning of the 27th, and I was told they had checked out of that hotel.

Q. Which hotel was that?

5 A. I can't remember the name of the hotel they were staying at.

Q. I take it then that you would agree with me that from your actions that morning as you have just related them to me that officers of the national sport governing body should be contacted by COA officials in the future cases such as this and involved in the process as early as possible?

10

A. Not necessarily, no. I think if the -- my opinion would be that the sport governing body should be, knowing the way the operations are at in any Games mission should be appointing team leaders in whom they have the confidence to carry out any transaction. And that's why we placed tremendous emphasis on the team leader and worked so intimately with them in all dealings.

15

So, my opinion would not be that the COA should have any responsibility for contacting any sport governing body, but rather that they should have the people right there in the village whom the sport governing body has confidence in.

20

Q. Even in such emergencies as this?

25

A. Any emergency whatsoever.

Q. Well, would you agree with me that officers of a national sport governing body, as opposed to COA officers, or as opposed to the kind of person who would be appointed as a team manager, would be more knowledgeable about pertinent information in the athlete's background; for example, dope testing history of the athlete?

A. I can't answer that, I don't know if they would be more aware of that or not. I would suspect that if they had a team leader there and this was a pertinent issue, that they would ensure the team leader was well informed.

Q. I ask you similarly would you expect that officers of a national sport governing body might well in such circumstances be more knowledgeable about such things as urine sample collection procedure?

A. Not necessarily.

Q. All right.

A. I would expect your team leader who has the hands-on operation responsibilities would be very aware of such procedures.

Q. So, in your view, it's sufficient in future if the team leader appointed by the national sport governing body be apprised of the situation and brought

into the process?

A. That would be my opinion. Now, if that team leader chooses to bring someone else in, that would be up to them, but the team leader is our contact.

5 Q. In the event the team leader did choose some other officer of the national sport governing body to be involved, the COA would be open to that?

A. They would have been welcome at the meetings.

10 Q. Now, you said at the 3 o'clock meeting on September 26th at Mr. Pound's suite that it was decided that he should deliver the case for the athlete that night before the IOC Medical Commission?

A. That's correct.

15 Q. Is that correct. And was there any opportunity to consult Mr. Johnson himself in this regard?

A. I can't answer whether at that point Mr. Francis or Mr. Lyon had actually directly consulted Mr. Johnson. They may well have spoken to him about that;
20 I don't know that.

Q. Did Mr. Pound attempt to?

A. No. That would not be his responsibility, it would be theirs to talk to the athlete concerning that.

25 It's part of our policy that we don't

interfere with the relationship between those people responsible directly for the athletes and ourselves.

Q. You understand, though, that the nature of Mr. Pound's activity that night was that of an advocate, as it were. Would you not concede that Mr. Johnson should have a right to consult directly with his advocate, with Mr. Pound.

THE COMMISSIONER: We don't know --

THE WITNESS: If they wanted Mr. Johnson to consult directly, he certainly, I am sure, would have been open to that, but again I would think they would want to raise that themselves.

MR. BOURQUE:

Q. Was it suggested to Mr. Lyons or Mr. Francis that Mr. Johnson should be contacted in this regard?

A. I honestly don't recall whether that was stated or not. It might be a question you would like to ask Mr. Pound.

Q. All right. Thank you. Do you feel that the scheduling of the hearing before the IOC Medical Commission within, as I understand it, 24 hours of your notification of the positive A sample result, do you consider that that is too hasty?

A. Absolutely. I think the timeframes that they give us for each of the measures are very tight.

Q. Too tight?

5 A. I understand their concern, and I understand that's their regulation, but it's a very tight timeframe to operate within.

10 Q. Was there any consideration given by the people in Mr. Pound's suite, 3 o'clock the afternoon of September 26th, to requesting an adjournment of the Medical Commission hearing that night until all of the Commission's evidence will be disclosed to you?

A. Mr. Pound informed us that you are not entitled to have that adjourned, just as we were not entitled to have the location altered.

15 Q. So, a request had been made of the Medical Commission?

A. No. Mr. Pound informed us that that is not allowed in the IOC regulations.

Q. In your view, should it be?

20 A. I have -- I really can't comment to that. I haven't given that a lot of thought, Mr. Bourque.

Q. Now, were the graph readouts showing Mr. Johnson's steroid profile requested by you people prior to the hearing before the Commission?

25 A. Yes, they were. We requested them

during the opening of the B sample and were informed that we are not entitled to see them until we appear before the IOC Medical Commission, and until they are able to give us their full analysis of it, both A and B.

5 And then they informed us that it has to be a formal request from the National Olympic Committee, which we did as soon as we were entitled to do that. And I believe you -- Mr. Armstrong is in possession of those.

10 Q. And I take it then that you were shown the graph readouts of Mr. Johnson's profile during the course of the hearing before the Medical Commission that night?

15 A. No, we were not. We had to request them formally. They would not provide them for us that evening.

 Q. All right. Now, can I ask you were you or others in the COA delegation aware that Dr. Andrew Pipe was in Seoul at the Games?

 A. Yes.

20 Q. Were you at the time aware of his position or qualifications in the area of dope testing?

 A. Yes.

 Q. Was any consideration given to having him attend with you before the Medical Commission?

25 A. No.

Q. Can I ask you why not?

A. Because we had our chief medical officer with us, who was the individual responsible for those issues in Seoul. Mr. Pipe has a position back in Canada, and if we needed data from him, he was certainly available to be consulted.

Q. And --

A. Again, he was not an official part of our Canadian medical team there either.

Q. All right. Can you tell us whether in your knowledge Dr. Pipe is more qualified than Dr. Stanish in the area of dope testing?

A. I can't answer that question, I have no idea.

Q. Just in summation, now do you believe that the kind of hearing held by the -- or I am sorry, before I ask that, was there a further right of appeal from the IOC Medical Commission finding?

A. Can you --

Q. Is there a further level of appeal that you could take?

A. Opportunity to appeal? We were informed that evening that there is not. I know they have an arbitration Commission. I don't know exactly how it functions. We have been told that there is no further

appeal process.

Q. Has the knowledge you acquired on this point, the evening of September 26 changed to date? You haven't found out any different?

5 A. No.

Q. So, let me ask you now, do you believe that the kind of hearing that was held by the IOC Medical Commission on the evening of September 26th, 1988, at the Seoul Games, do you believe that kind of hearing gives an athlete a fair shake?

10

A. Well, I guess within the parameters of the way they conduct their business it is consistent athlete-to-athlete. We certainly believe that they gave us every opportunity to present the evidence that we had within the timeframes we were able to collect it. And they certainly heard us, and given the length of time they took to deliberate upon it, obviously gave it due consideration.

15

Q. Yes, but you mentioned this morning, for example, that part of their evidence, if I can put it that way, was not disclosed to you until well into your presentation?

20

A. That's correct. That's the procedures, and we knew those procedures going in to it.

25 Q. But do you now, in hindsight, consider

them acceptable?

A. I don't want to comment on the IOC procedures. I mean those are the procedures we had to follow.

5 Q. Is the COA at this time making recommendations to the IOC or its Medical Commission with a view to improving its procedures in such cases?

A. At this point --

10 MR. ARMSTRONG: Well, in fairness I think to Mrs. Letheren, this is something that obviously may await her return after we are through this part of her evidence.

THE COMMISSIONER: I think that would be more appropriate as to where we go in the future.

15 MR. BOURQUE: I am quite prepared to leave it to that time.

THE COMMISSIONER: I will be glad to hear your references in that.

20 MR. BOURQUE: Thank you. I have no further questions. Thank you, Mrs. Letheren.

THE COMMISSIONER: Thank you. Mr. DePencier.

MR. DePENCIER: I have no questions.

25 THE COMMISSIONER: Mr. Futerman. Thank you Mr. Bourque.

MR. BOURQUE: Thank you.

--- EXAMINATION BY MR. FUTERMAN:

Q. Good afternoon, Mrs. Letheren. Ed
5 Futerman, I represent Ben Johnson.

A. Good afternoon.

Q. Dr. Ljungqvist was in charge of the
doping control center on the date --

A. At the main stadium.

10 Q. -- on the day Ben Johnson tested
positive; is that correct?

A. That's correct.

Q. And am I correct that he was also a
member of the Medical Commission that determined the fate
15 of Ben Johnson?

A. That's correct.

Q. Is that correct?

A. That's correct.

Q. And one of the areas of concern that
20 your team had was whether or not the security was in place
for the test -- for the testing that was done for Ben
Johnson?

A. That's correct.

Q. One of the persons that was asked to
25 determine whether that security was in place was the very

man that was responsible for that security?

A. That's correct.

Q. Is that correct?

A. That's correct.

5 Q. All right.

A. What I don't know, and we obviously are not privy to, although it perhaps could be something that Mr. Pound might be able to comment on for you, is whether or not during their deliberations he in fact declared that
10 presumed conflict, I don't know that.

Q. In any event, he was part of the Medical Commission --

A. Yes, he was.

15 Q. -- that determined the fate of Ben Johnson as far as you know?

A. That's correct.

20 Q. And I guess one of the concerns your team had was even after you found the results of the B test sample that was announced I think during the time that Dick Pound was making his deliberations or his submissions to the Commission, that you still went ahead with the violation of the security argument?

A. Yes, we did.

25 Q. Because I think your team felt, and perhaps rightly so, that regardless of the test results,

that it was important that we had a security system in place that we could feel confident was done properly?

A. That's correct.

Q. And, in fact, if I recall Dr. Pipe's
5 evidence some weeks ago, that a number of positive tests here in Canada were negated because the security system was not in place properly?

A. I don't know --

Q. Perhaps you are not aware of that.

10 A. I don't know that.

Q. All right. In any event, is it fair
to say that I think one of the statements you made just a few moments ago was that as far as you can determine that once that determination is made by the Medical Commission
15 and the recommendation is made to the executive committee which acts upon it, there is no further appeal?

A. That's the best information that I have.

Q. And that if further information is
20 obtained to change the result of the IOC Medical Commission, which the executive committee acts upon, nothing at that stage can be done as far as you know?

A. As far as I know.

Q. All right.

25 A. That's correct.

MR. FUTERMAN: Thank you.

THE COMMISSIONER: Thank you. Mr. Sookram.

MR. SOOKRAM: Yes.

MR. ARMSTRONG: Just --

5

THE COMMISSIONER: Yes.

MR. ARMSTRONG: I noticed just before Mr. Sookram proceeds I just -- I am sorry, I just noticed one matter in my notes that I wished I had covered with Mrs. Letheren that I had overlooked this morning. And if I
10 could do that just for the sake of completeness. I don't think it changes anything.

THE COMMISSIONER: All right. We will do it now then.

15

MR. ARMSTRONG: And it certainly doesn't change --

THE COMMISSIONER: You don't mind, do you, Mr. Sookram, for waiting two minutes.

MR. SOOKRAM: I don't mind.

20

MR. ARMSTRONG: And I am sure it doesn't take the position that Commission counsel have taken recently on this issue, but I missed it in my notes this morning.

--- RE-EXAMINATION BY MR. ARMSTRONG:

25

Q. Mrs. Letheren, when you were in Dick

Pound's suite, or during the course of the day on September the 26th when you were reviewing the circumstances of the security in the doping control room and what may have happened, was there some issue that
5 arose concerning one of the water bottles of Ben Johnson, and did you yourself have some information about that that also added to the approach that you were then taking, recognizing that you didn't know that Ben Johnson had been involved in a steroid program immediately before the
10 Olympics?

A. Yes. Actually, while we were in Mr. Pound's suite, a phone call came, and I can't recall if it was from Dr. Astaphan or from Mr. Heidebrecht, I am not sure, but they were indicating that in actual fact two
15 things, two pieces of information they wanted us to have.

One, that on Thursday evening, Ben had been out on the town in a bar with some Korean women drinking champagne, and he was unaccompanied by a Canadian official.

20 And secondly, that when Ben came back to his hotel on the Saturday after the race, he had his water bottle with him, and yet we had his water bottle back in the village.

Q. How did that arise?

25 A. He had handed it to Diane Clement, I

guess at the finish line or when he was in getting changed
or something, and she brought it back to the village
forgetting to give it back to Ben. And I took it over to
the hotel myself on Sunday morning so that they had it.

5 But when we were meeting on the Monday in Mr. Pound's
suite, we received the phone call to give us that piece of
information.

10

15

20

25

Q. All right. And when you had taken it over to Ben's hotel on the Sunday morning, you had been going over to pick him up to bring him over to the track to see Mark McKoy begin ---

5 A. Yes.

Q. ---his heats in the hurdles?

A. Yes, that's correct. I was just a messenger to take it over plus I had the vehicles to bring he and his family and his support people over to the stadium.

10

Q. And Diane Clement knew that you were going and said, 'Here's Ben's water bottle,' that he had given her at the conclusion of the race the day before?

A. Yes.

Q. Because we've heard that she was the person assigned immediately after the race from the association to see him over at the doping control area and so on?

15

A. That's correct.

Q. So I guess this extra water bottle, as it were, added further fuel to the sabotage fire that you were then seeing appear before your eyes?

20

A. That's correct.

Q. All right. I'm sorry, I just had that information. I thought it should all be out so that you

25

heard it.

THE COMMISSIONER: I heard something about it earlier. Mr. Francis outlined that to us.

MR. ARMSTRONG: Yes, he did.

5 THE COMMISSIONER: All right, thank you.
Mr. Sookram?

EXAMINATION BY MR. SOOKRAM:

Q. Good afternoon, ma'am.

A. Good afternoon.

10 Q. These exhibits, ma'am, the -- from 162
onwards, Canadian -- headed Canadian Olympic Association
Release Forms?

A. Mm-hmm.

15 Q. That the various officers had to sign,
were they ever checked back?

A. Do you mean, did we check to see that the athlete in actual fact had signed them?

Q. Had filled them in properly?

20 A. I think the woman on the desk at the
time of them being filled in checked as best she could.
But whether she checked every detail, I don't know that.

25 Q. Actually, I noticed one of them hasn't
got a date and another one hasn't got a province and a
date either. Even Mr. Johnson's exhibit has no date, no
province.

THE COMMISSIONER: I don't think there's any issue that that's his signature.

MR. SOOKRAM: I don't think there's much issue at all. It's just that I'm very concerned about the way things seemed to have been done.

THE COMMISSIONER: I see.

MR. SOOKRAM:

Q. Ma'am, I wonder if you can help and enlighten me a little bit as to exactly what your position as Chef de Mission involved?

A. The role that the Chef de Mission plays is, number one, ensuring that all policy of the Executive Committee of the Canadian Olympic Association is adhered to.

And, secondly, as I indicated this morning, it's a little bit like a chief executive officer of a short lived corporation. You have pretty well the complete responsibility for the team under your jurisdiction.

Q. Complete responsibility for the team?

A. Yes.

Q. You can ask any questions where things don't seem satisfactory?

A. Yes.

Q. Yes. Can you make objections if things weren't satisfactory?

A. Yes.

THE COMMISSIONER: To whom?

5

MR. SOOKRAM:

Q. She is the one in charge.

A. To a member of the team.

THE COMMISSIONER: What type of thing is unsatisfactory?

10

MR. SOOKRAM:

Q. Very well, sir. When you went down there -- it's coming right out.

15

THE COMMISSIONER: All right.

MR. SOOKRAM:

Q. When you were down there, you found out that there was a personal arrangement, that Mr. Johnson had his own personal physician. Did you question it?

20

A. We spoke with the team leaders for track and field and determined that, in fact, two things.

Number one, that Ben wished to live outside of the Olympic village which was fine by us, because of the media difficulties that would be encountered if he did

25

live in the village. At that point in time, I did not know that Dr. Astaphan was there in the City of Seoul.

Q. Did any other athlete take a personal physician to your knowledge?

5 A. I don't know that.

THE COMMISSIONER: On the Canadian team, you mean?

MR. SOOKRAM:

10 Q. Yes?

A. I don't know that.

Q. Did any other athlete take a personal coach?

15 A. There were many personal coaches in the City of Seoul, yes.

Q. Canadian athletes took their personal coaches?

A. Yes, there were many there.

20 Q. But Mr. Johnson was the only person who took a personal physician?

A. I said I don't know that.

Q. You don't know that?

A. No.

Q. Well, you were in charge, weren't you?

25 A. But I was not in charge of people who

were there in Seoul on their own hook, outside the Canadian team. I didn't try to take a roll call of all Canadians in the City of Seoul.

THE COMMISSIONER: Mr. Johnson was not in
5 the Olympic village then?

THE WITNESS: No, he was not.

MR. SOOKRAM:

Q. But, he was part of the people under
10 your control?

A. He was, yes.

Q. And you did ask questions why he brought his own personal physician?

A. No, I didn't. I indicated to you that
15 I didn't know that Dr. Astaphan was in the City of Seoul until we were involved in the actual doping infraction.

Q. Did you ask questions then?

A. No.

Q. As to what part Dr. Astaphan had in Mr.
20 Johnson's ---

A. No.

Q. ---case?

Q. No. Dr. Astaphan is certainly entitled to be in the City of Seoul and to be working with Ben.

25 Q. Yes, I appreciate you couldn't ask Dr.

Astaphan because he was not under your control. Did you ask Mr. Johnson at all?

A. No, I did not.

Q. Did you ask Mr. Francis at all?

5 A. No.

Q. Now, you told us that on the Saturday evening -- oh, no, it was coming on to Saturday night, Sunday morning, you received information that Mr. Johnson had tested positive?

10 A. That's correct.

Q. When, if you can remember, when was it that you were able to communicate that information to Mr. Francis?

15 A. We communicated the information first of all to Mr. Lyon at 7:00 a.m. or around 7:00 a.m.

Q. That would be Sunday morning?

A. Yes. And Mr. Lyon immediately got Mr. Francis out of bed, so I would say it was sometime between 7:00 a.m. and 7:30 a.m.

20 Q. If you will indulge me one moment?

THE COMMISSIONER: Mm-hmm.

MR. SOOKRAM:

25 Q. Did Mr. Francis, at any time ma'am, indicate to you that he knew of the results before you

told -- before you told him?

A. No.

Q. Were you following the testimony of the proceedings here -- the proceedings in these ---

5 A. Not every moment of every day, no.

Q. You see, I have it in record here that on Monday, 6th of March, Mr. Francis told us here, that the same evening after Mr. Johnson was tested, Mr. Francis caught a ride with two men in a CBC van back to his hotel and they told them then that Ben tested positive?

10

A. I can't comment to that, sir. I don't know.

Q. Was that matter ever raised with you?

A. No, it was not.

15 Q. By Mr. Francis?

A. No, it was not.

Q. Did you hear about it from any other source?

A. No, I did not.

20 Q. Do you know, ma'am, who called Dr. Astaphan?

A. On the morning of the 27th, when we were -- or -- I've lost track of days.

Q. Saturday, the 24th; Sunday, 25th

25 A. Had to be the morning of the 26th. On

the morning of the 26th, it was either Dr. Stanish or Charlie Francis, but I'm not sure -- it was one of the three individuals in the room with me.

Q. But you didn't?

5

A. I did not, no.

Q. You were aware of what they asked Dr. Astaphan?

A. They wished to have from him the list of medications that Mr. Johnson was taking.

10

Q. Did Mr. Johnson at any time bring his bag with the medication in it?

A. Yes, I understand that he took that over to the opening of the B sample and it did not have -- I don't believe it had all the medications in it but it had what they could find at that point in time.

15

Q. Now, you told us that after the second testing, the testing of the second sample, you and the parties came back to the hotel, you remember Dr. Astaphan asking Mr. Johnson whether he had taken any of the pink pills?

20

A. I remember him asking that but I think the sequence is out of whack a little bit here.

THE COMMISSIONER: You've got the wrong time. It's when they're in Mr. Johnson's room.

25

MR. SOOKRAM:

Q. This was in Mr. Johnson's?

A. This occurred around 3:34 in the morning after we had completed our deliberations with the
5 IOC Medical Commission and after we had received the formal recommendation that they would be making to the executive board.

Q. Yes.

A. At that time, we were in Mr. Johnson's
10 hotel room and that is when I heard Mr. Astaphan ask that question, or Dr. Astaphan.

Q. And who was there -- you said Dr. and Mrs. Astaphan were there?

A. Yes.

15 Q. Mr. Heidebrecht was there?

A. Yes.

Q. Mr. Johnson was there?

A. Mm-hmm.

20 Q. His mother was there, his sister was there, Dr. Stanish was there? Anybody else?

A. Mr. Francis was there.

Q. Yes?

A. Mr. Wilson.

Q. Yes?

25 A. And myself.

Q. And yourself. Did anybody ask about these pink pills at that time?

A. Yes, Dr. Stanish discussed it out in the hallway with Mr. -- or with Dr. Astaphan.

5 Q. Not in your hearing?

A. No.

Q. You don't know what Dr. Stanish asked him at all?

A. No, I don't.

10 Q. You didn't think of asking what the pink pills were?

A. I didn't feel that I had to when my chief medical officer was asking him that question.

15 Q. I don't have a note here of what Mr. Johnson replied, if anything?

THE COMMISSIONER: He made no reply.

THE WITNESS: He replied nothing.

MR. SOOKRAM: Didn't reply?

THE COMMISSIONER: Made no reply.

20

MR. SOOKRAM:

Q. Now, I take it that apart from this release that an athlete or an official coach, masseuse, physiotherapist has to sign, there are -- there is no
25 further need for anything other than the signature to say,

well, I'm not on drugs?

A. That's all that we require as the Canadian Olympic Association because we assume, given the kind of protocol that exists in our country at the time of these particular -- did exist at the time of these games, whereby Sport Canada had assumed responsibility for the whole issue of anti-doping policy and had issued a sum of money to the Sport Medicine Council of Canada to actually carry that out and had set up protocols with each of the sport governing bodies to ensure that it was carried out to their satisfaction, we as the Olympic Association felt that it was being adequately handled with our own colleagues and sort of relative associations.

So our role was really an after the fact role and the only thing that we required is that all of our athletes read our policy and were indeed not in violation of it.

THE COMMISSIONER: That's before they left -- that's the occasion ---

THE WITNESS: That's correct.

THE COMMISSIONER: Before they left for Seoul?

THE WITNESS: That's correct.

MR. SOOKRAM:

Q. You had no system of selecting a few top athletes just to make sure that they were clean and having them tested?

5 A. No, sir. That was not part of our responsibility. We had collegial organizations whose responsibility that was, at that particular point in time.

Q. And was that responsibility spelt out to anybody at all?

10 A. I believe so, yes. That's a known fact, as far as I know, through the various sports systems.

THE COMMISSIONER: Well, we had the discussion in the very early part of the session, Mr. Makoski and Miss Hoffman filed the documents which go to all sports federations.

MR. SOOKRAM: I wasn't privy to that, either.

20 THE COMMISSIONER: Well, it's in the exhibit book. We'll show you later.

MR. SOOKRAM: Thank you, ma'am.

THE WITNESS: You're welcome.

25 THE COMMISSIONER: Mr. McCreath? Thanks, Mr. Sookram, are you through? Mr. Sookram? Are you through with your questions?

MR. SOOKRAM: Yes.

THE COMMISSIONER: Thank you very much. Mr. McCreath? I wasn't sure. You usually make it clearer than that.

5 MR. SOOKRAM: I said thank you to the lady. That meant I was finished.

MR. McCREATH: Mr. Commissioner, I believe the questions I would have for Ms. Letheren are better left to the second part of her evidence which will be given in due course. Thank you very much.

10

THE COMMISSIONER: I just want to pursue one matter. I think it's clear that in the presentation of these submissions to the IOC Medical Commission, I think you said it was on the premise that the athletes you were discussing was a clean athlete?

15

THE WITNESS: That's correct.

THE COMMISSIONER: And before they even -- at the staging area, every athlete has got to say that he's not in violation of the doping control ---

20

THE WITNESS: That's correct.

THE COMMISSIONER: ---of Sports Canada and the IOC?

THE WITNESS: Mm-hmm. Well, actually at the staging, they don't indicate to us that they aren't in violation of anything other than our own policy. It

25

states quite clearly that it's the Canadian Olympic Association's policy. But, in fact, that indicates that they are not involved with any banned substances.

5 THE COMMISSIONER: Exactly. Because it's the same policies?

THE WITNESS: Yes.

THE COMMISSIONER: All right. Thank you very much for your help and I'll welcome you back to give me some help later on.

10 THE WITNESS: Thank you very much.

THE COMMISSIONER: Thank you. Thank you, Mr. McCreath. Another witness?

MS. CHOWN: Yes, Mr. Commissioner. We have Gary Lubin available as our next witness.

15 THE COMMISSIONER: All right. Is he here?

MS. CHOWN: He is not in the hearing room but he is present.

THE COMMISSIONER: Okay, fine. Okay, can you get him?

20 MS. CHOWN: Mr. Commissioner, Mr. Gold is present as counsel for Mr. Lubin.

THE COMMISSIONER: Mr. Gold.

MR. GOLD: How are you?

THE COMMISSIONER: Fine, thank you.

25 MS. CHOWN: Mr. Commission; Mr. Lubin.

THE COMMISSIONER: Mr. Lubin.

GARY LUBIN: Sworn

5 THE COMMISSIONER: How is the other fellow?

THE WITNESS: Well, I tell you, he's got a pretty sore head. No more basketball at my age.

10 THE COMMISSIONER: Okay, thank you. The Registrar has brought to my attention, Ms. Chown, this is the 44th day of our public hearings and Mr. Lubin is our 44th witness. So that is the most important statement of the day, I think.

15 MS. CHOWN: It's been difficult for us to plan it this way, Mr. Commissioner, but we've managed to do so.

THE WITNESS: And he's almost 44 or maybe just a touch more.

THE COMMISSIONER: All right, Ms. Chown, please?

20 MS. CHOWN: Thank you, Mr. Commissioner.

EXAMINATION BY MS. CHOWN:

Q. Mr. Lubin, I understand you presently reside in Malton, Ontario?

A. Yes, I do.

25 Q. You're employed full-time as a public

school teacher with the North York Board of Education?

A. Yes, I am.

Q. And you've been in teaching for the past 16 or 17 years?

5 A. That is correct.

Q. And you, as well as carrying on a career as a full-time teacher, have been involved in the coaching field for some 20 years?

A. That is correct.

10 Q. And your particular area of expertise in coaching is the sprints and the high jump?

A. Yes, I am.

Q. I understand in the course of your coaching career, in the early '80's, you were involved as a coach with the Flemington Flyers Track Club?

15

A. I was the coach and founder of the Flyers, yes.

THE COMMISSIONER: The Flemington Flyers, is that the name of it?

20

THE WITNESS: That is correct.

THE COMMISSIONER: Good name.

THE WITNESS: That is the name given because of the school I was at, Flemington Public School.

25

MS. CHOWN:

Q. And in 1983, you were an apprentice coach with Mr. Charlie Francis?

A. Yes, I was.

5 Q. And following that, I understand in late 1984, you became associated with the Scarborough Optomist Track and Field Club?

A. Yes.

10 Q. And can you tell me how that switch came about from the Flemington Flyers to the Scarborough Optomist Club?

15 A. Okay. I was the only coach for the Flyers from about 1981 to 1984. Due to the lack of energy and due to the fact that it took quite a bit of money, I thought if I joined forces with the -- with the Optomists, I would have more success with the overall track program.

20 I had, at that time, one athlete, Katie Anderson, who I felt I could take her no further and she went over with the Optomists under Charlie Francis and I felt that if I went over with the Optomists, then I would -- I would have more energy and more financial success. By that I mean, I wouldn't have to spend my own money.

THE COMMISSIONER: Was she a sprinter?

25 THE WITNESS: Yes, she was. Yes, she is.

THE COMMISSIONER: I have heard the name.

MS. CHOWN:

5 Q. And when you were with the Flemington
Flyers Track Club, you were a unpaid coach?

A. As most coaches are in Canada, I was
unpaid, yes.

10 Q. And you made the comment that it was
taking a lot of money. That was your own money you were
referring to --

A. Oh, yes.

Q. ---to assist running your club?

A. Hope my wife is not watching.

15 Q. In any event, as we stated earlier, in
late 1984 you became associated with the Scarborough
Optomists and you continued your full-time teaching
position and you also began to coach with that club?

20

25

A. That's correct. I coach for the love of the sport, and I don't get paid, per se, to coach. I just enjoy seeing people get better and better at what they do.

5 Q. And when in 1987 the group--part of the group became known as the Mazda Optimists Group, did you continue an association with that group?

10 A. In 1987 the Optimists formed, and at that time, there was the Scarborough Optimists and the Mazda Optimists, and a few of the athletes were under the Mazda Optimists label. I say label because they could get maybe 50 or \$100 or whatever to be under that name.

Q. As part of a sponsorship agreement?

A. That's correct, yes.

15 Q. Now, I understand that you left coaching and your formal association with coaching sometime in 1988?

20 A. At the end of 1988, I became the head coach of the North York Track Club in the Toronto area which works out of the York University track and field centre.

Q. But you severed your relationship with the Mazda group?

A. Yes.

25 Q. Turning then to the--

THE COMMISSIONER: Do you have that position now, Mr. Lubin?

THE WITNESS: As the head coach of the North York Track Club, I do.

5 THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. Turning to the years during which you were associated with the Scarborough Optimists Track and Field Club and subsequently the Mazda group, am I correct
10 in understanding that apart from Mr. Francis, who you had worked with as an apprentice coach, you also became acquainted with Dr. Astaphan?

A. That is correct.

15 Q. And indeed in the first instance, you went to him as a personal physician?

A. Back in 1983 when my regular doctor wasn't available, someone recommended that I go down to a Dr. Astaphan on Keele Street which I did, and I found him
20 to be a very sensitive top-notch doctor. What he did was he put me on medication and I got healed very quickly.

Q. I understand you saw him on a couple of of occasions for an ailment that you were experiencing at that time?

25 A. I was and I was cured, and I saw him a

few times after at the track.

Q. And that would be when you were present at the track carrying out coaching, from time to time he would be there as well?

5 A. Right. Periodically he would show up.

Q. And you didn't continue your relationship with him as a physician?

A. No, I didn't.

10 Q. But you carried on with him on a friendly basis, speaking with him from time to time?

A. I would be friendly. Just, you know, nod and say hi.

15 Q. Mr. Lubin, I would now like to take you to a particular conversation with Dr. Astaphan that I understand occurred in January of 1988?

A. That is correct.

Q. And can you tell us, first of all, how you and Dr. Astaphan came to have a conversation and when it was, as best you can place it in time?

20 A. I came into the York track and field centre. This was at the end of January 1988, and he had something he wished to discuss. Now I came in there and my athletes weren't there yet, so I was heading over to Jane and Steeles' Baker's Dozen where I was going to have
25 a fast bite to eat because I had just come from school,

and we went to Baker's Dozen.

Q. May I just stop you there before you go on. You have indicated to me, I believe this was sometime in January of 1988. Can you be anymore precise as to the date?

A. As best as I can recall it, it was at the end of January. I think a day or two or three before the Star Indoor Games or the Maple Leaf Indoor Games, which happens at the end of each January.

Q. In any event, you and Dr. Astaphan left the track centre together to go out and get a bite to eat?

A. I took him in my car and we went over to the Baker's Dozen and we sat down, and he was upset about a few things which he opened up to me quite quickly.

Q. I don't think we particularly need to go into the details of that part of the discussion, but in any event, you discussed the matters that he had on his mind, and then what happened in the conversation?

A. Well, then there was a lull. He was quiet, and we just had a bite to eat. And then after he had calmed down, he said to me, By the way, what did you think of the -- he was commenting on the great start that Ben Johnson had in Rome. This was back in 1987.

Q. You're talking about the world championship race in 1987?

A. That would be correct. That was in Rome.

Q. And what did Dr. Astaphan say to you?

A. He was very proud and almost boastful. In a nice, boastful manner, he said, "What a beautiful start in Rome" and I said, "yes, it was an incredible start." I think most of us here did see that start so we know it was an incredible start.

THE COMMISSIONER: You saw him on television? You weren't in Rome, were you, at the time?

THE WITNESS: No, I wasn't in Rome.

MS. CHOWN:

Q. But you did, in fact, watch the race on television?

A. That is correct.

Q. And what did you respond to Dr. Astaphan?

A. I was quite impressed by what he said. I said, yeah, it was an incredible start, and then he said, yeah, I visited Ben Johnson four days before, and then he said four days before and four hours before the race he had given something extra to Ben and it really helped.

Q. All right, let me just stop you there.

A. Okay.

Q. Are those the words as best you can recall Dr. Astaphan used?

5 A. As best as I can recall. Yes, as close as I can recall.

Q. So four days and four hours before the world championships in August of 1987, Dr. Astaphan indicated to you that he had given, and the words were "something extra"?

10 A. Yes, there was something extra, yes.

Q. All right. And, I'm sorry, something extra to him before the race, and then did he go on to say anything else?

15 A. Okay, after--then I started thinking well, if it's something extra and it helps, it really helps, I started thinking about well, it really helps. So then being a bit of a mouthy coach, I said to him you know, was it something illegal and he looked at me and he said, well, it had to be masked.

20 Q. It had to be masked?

A. Masked, right, and up to that point, I wasn't sure what he meant, but I later found out that masking means covering up something.

25 Q. All right. At the time that he used that word to you, what did you understand him to be

talking about?

A. What did I understand him to be talking about at that particular time?

Q. Yes. .

5 A. It bothered me. I thought it meant something--I thought it meant cheating. I thought it meant something that wasn't supposed to be in somebody's body.

10 Q. Did you ask him what the something extra that he referred to was?

A. I didn't because I was quite taken back by the statement.

Q. Did you ask him any questions, further questions about the masking he referred to?

15 A. I think at that point I just figured it's better not to ask. Maybe I should have. Looking back, maybe I should have, but then again, if I had asked, maybe I would have raised suspicion as to why I am asking.

20 Q. You may have indicated this, but just so that we have it clear, did you form any assumption? You said you assumed he was talking about something that shouldn't have been in the athlete's body?

A. That's correct. I assume that it was something that shouldn't have been going on.

25 THE COMMISSIONER: You did that because he

said something about masking?

THE WITNESS: The word masking, yes.

Masking means covering up, whether it means someone's face or something.

5

MS. CHOWN:

Q. Did you form the impression, when you say that it was something that shouldn't have been in the athlete's body, that we are talking about a banned substance?

10

A. That's what was going through my mind.

THE COMMISSIONER: That's not too helpful, Miss Chown. It was in his mind.

15

MS. CHOWN:

Q. And following his response to your question, was there any further discussion, either on your part or on his part, of the events that he just told you about?

20

A. I was truly shocked and surprised, and I didn't ask anything further. Looking back, maybe I should have.

Q. And did you go on to other topics or was that the end of the discussion?

25

A. Well, that was the end of the

discussion, and then we drove back to the track and field centre in my beat-up jalopy and I went and coached.

5 Q. And did you ever after that time ever have any further discussions with Dr. Astaphan following along on those points that he raised with you?

A. No, I didn't. What I did do though, is at the indoor games, I was sitting with a friend, Rick Westwood who is the president of the Minor Track and Field Association, and he was, you know, noticing that I was
10 quiet and I told him what was on my mind and I told him what had transpired and he was quite taken back.

THE COMMISSIONER: That was when?

THE WITNESS: I believe it was January 29, 1988. That was on a Friday--

15 THE COMMISSIONER: How long after this discussion?

THE WITNESS: Just a few days, as best as I can recall. I know that there was different times that Dr. Astaphan was up in Canada at different times. I know
20 he was there in November, then I believe he was there in December, and then I know he was there right near the Star Indoor Games time or Maple Leaf Gardens time. I don't know if it was the Star or whatever.

25 MS. CHOWN:

Q. But your best recollection is that this conversation took place shortly before the indoor games?

A. Yes, because I remember talking to Rick Westwood about it.

5 Q. Thank you, Mr. Commissioner. Those are the questions I have for this witness.

THE COMMISSIONER: Any questions? Mr. Futerman?

MR. FUTERMAN: Just a couple.

10

EXAMINATION BY MR. FUTERMAN:

Q. Mr. Lubin, I'm Ed Futerman and I represent Ben Johnson.

A. I know.

15

Q. At the time that you had this discussion with Dr. Astaphan, were you still a coach with the Mazda group? I missed that.

A. I was a coach until the end of '88 so the answer would be yes.

20

Q. All right. And obviously when you had this conversation with Dr. Astaphan, you must have been quite concerned that in your mind at least there was some strong evidence that Dr. Astaphan was providing something illegal?

25

A. That is correct.

Q. Did you bring that knowledge to Charlie Francis?

A. No, I didn't.

5 Q. Did you bring that knowledge to any representative of the CTFA?

A. No, I didn't.

Q. So that you decided not to convey your concerns and your suspicions to anyone else?

A. That's correct.

10 Q. All right, thank you.

THE COMMISSIONER: Who is this man you spoke to at the track meet?

THE WITNESS: Rick Westwood is the president of the minor track in this province.

15 THE COMMISSIONER: Minor track?

THE WITNESS: Yes, minor track. That's 12 and down.

THE COMMISSIONER: Pardon?

THE WITNESS: That's the age 12 and under.

20 THE COMMISSIONER: All right, thank you.
Mr. Sookram?

EXAMINATION BY MR. SOOKRAM:

25 Q. Mr. Lubin, would you tell the Commission what ailment you were treated for by Dr.

Astaphan in 1983?

A. I believe it was bronchitis, but if we check the OHIP records, I'm sure we would find out.

5 Q. You had been suffering from bronchitis for a long time?

A. I do have bronchitis from time to time. I'm an asthmatic.

Q. And you went to Dr. Astaphan and got almost immediate relief?

10 A. Yes, I took what he prescribed. It was a pharmaceutical medicine, and I felt better rather shortly afterwards, and he did a fine job because he is a fine medical doctor.

15 Q. And between 1983 and until the latter part of 1986, you had been seeing Dr. Astaphan on and off on the track?

A. That is correct. I have seen him. Rather periodically he would come by.

20 Q. And from time to time you had asked him whether or not he could promote something you were selling to the athletes? You were selling bee pollen at the time?

A. Yes, I'm very proud to say that I believe in health, natural supplements which are all legal, natural, and effective.

25 Q. And you asked the doctor to--

THE COMMISSIONER: What was the--

MR. SOOKRAM: Bee pollen. Pollen from the honey bees, sir.

THE COMMISSIONER: Is it like honey?

5 THE WITNESS: Yes, it's from the legs of bees. There's bee pollen, royal jelly, different things of that nature.

THE COMMISSIONER: I see.

10 THE WITNESS: It's all natural, it's all healthy and I recommend it to anybody who doesn't have enough energy.

MR. SOOKRAM:

15 Q. And from time to time, you asked Dr. Astaphan to suggest to the athletes that they buy it from you?

20 A. I think that -- I am very proud to say that if I can supply health food to anybody, whether it's at the track or in this room, I think it's a wonderful experience to help people with their health, Mr. Sookram.

Q. I don't say no, Mr. Lubin. Did you ask Dr. Astaphan to help to promote the sales of your bee pollen?

25 A. No, I didn't ask Dr. Astaphan to promote sales. I don't have to sell. What I do is I

supply it at about cost because athletes may not know where to get it or what strength to get it. In other words, there is different kinds of bee pollen, and I don't want kids to get ripped off. If I can get them bee pollen
5 at wholesale, I'm very proud of that fact because some of these athletes are very poor, as you can well appreciate.

As a matter of fact, I deal with many health companies and the reason being is that I believe that through healthy supplements, we can nutritionalize our
10 athletes and coaches, for that matter. I use it myself. I think it's a wonderful product.

THE COMMISSIONER: And lawyers and judges?

THE WITNESS: Lawyers and judges
especially.

15 MR. SOOKRAM:

Q. And so at all times between 1983 and 1986 when you saw Dr. Astaphan, you just said hi after that?

20 A. Yes, he is a very nice, friendly, personable guy.

Q. You didn't have any private conversations?

A. No. When you say private, I would say
25 hi, how are you, we would talk a little bit.

Q. You didn't discuss his athletes with him?

A. No.

Q. He didn't discuss his athletes with you?

A. No, the only athlete that he ever discussed with me -- well, when I say athlete, Katie Anderson, he was quite concerned that she was being under-coached by Charlie Francis and that was the other thing that was mentioned at the Baker's Dozen because he was really concerned that she wasn't being coached properly in his estimation, which is amazing because he is not a coach, but he is a very fine, a very caring type of individual who cared about what happened.

Q. I'm sure if you think back a little bit more, you would remember something else about that conversation at the Baker's Dozen.

A. Yes.

Q. Do think carefully. You talked about Katie Anderson and you talked about something extra that he might have given Ben?

A. That is correct.

Q. There was something else, wasn't there?

A. Fire away. I'm all ears.

Q. No, you think back. You tell us.

THE COMMISSIONER: No, you ask the question. Was there anything else said that you remember? Any other subject discussed? Is that what you want to ask?

5 THE WITNESS: Are you asking about any other subject?

MR. SOOKRAM:

Q. Yes.

10 A. He was furious with Charlie Francis.

Q. So you discussed Mr. Francis as well?

A. He was upset with Charlie. He was going to punch him in the nose. I said excuse me, why would you do that, and he said well, he and Charlie had a blowout and after, you know, he was quite upset with Charlie.

15

Q. And did he discuss with you one of your high jumpers that was having problems?

A. No, he didn't.

20 Q. Did you discuss that with him?

A. No, I don't discuss high jumpers with Dr. Astaphan.

Q. Has he never, ever helped anybody that you had sent to him?

25 A. Has ever helped anybody?

Q. Any athlete that you had sent to him?

A. Dr. Astaphan doesn't work with my athletes.

Q. Not never?

5 A. Well, I'm all ears. Like, who was he supposed to--

THE COMMISSIONER: Now please. You answer the questions.

THE WITNESS: Okay.

10

MR. SOOKRAM:

Q. You are saying to us you have never ever sent an athlete for treatment to Dr. Astaphan's clinic?

15

A. Not to my knowledge, no.

Q. And this conversation which is alleged took place in January?

A. Yes.

20

Q. When did you first go to the press with this report?

A. I went to the press, it was the 29th of September.

Q. I see.

A. 1988.

25

Q. You kept it--

A. It was on a Thursday.

Q. Did you get paid for it?

A. No. As a matter of fact, the CBC came to me. I had no intention of, you know, running out
5 there. The CBC came and they wanted an interview with me.

Q. They knew that you had something to tell them?

A. Well, they had called up many coaches and many athletes. They just bombarded everybody and
10 hoped to God someone would talk.

Q. Had the press ever been to your house before?

A. No, as a matter of fact, they still haven't been there. As a matter of fact, the only time I
15 have ever spoken out was on the CBC, and I got a real lesson in media. I found out that there were so many different descriptions of what I had said when I only said it once on the CBC. It was fascinating.

Q. So you got your name in the newspaper for the first time in your life and--
20

A. No, well--

Q. Were you in the newspapers before?

A. Oh, yes, I coached--I coach a deaf athlete who they did a big writeup on, a very fine young
25 man.

Q. In the national press?

A. Of course. It was the Toronto Star.

Q. I see. It wasn't the first time you had been in the press?

5 A. No.

Q. But it was the first time you had gone on television?

A. That is correct, Mr. Sookram.

10 Q. Yes. It must have been a very nice experience.

A. I didn't look at it as being nice, I looked at it as being necessary.

15 Q. Not necessary in January 1988 or in February, but after the news broke about the scandal in Korea?

A. Mm'hmm.

Q. You wanted to get in on the limelight?

20 A. No, I don't need limelight, Mr. Sookram. I'm a happily married man who has a very wonderful philosophy about life. I'm happy in everything I do during the day. I don't need press.

25 Q. Mr. Lubin, I'm reluctant to do this, but I must put it to you that you tried to push your bee pollen on to the athletes under Mr. Francis' care and Dr. Astaphan refused to help you so you tried to get back at

him now.

THE COMMISSIONER: Well, please now. It seems to be quite non sequitur about bee pollen and getting back. I don't follow you.

5 MR. SOOKRAM: Bee pollen does make a lot of money, sir, if it's sold.

THE COMMISSIONER: I see.

THE WITNESS: Not this coach, Mr. Sookram.

10 THE COMMISSIONER: I think that's pretty far-reaching.

MR. SOOKRAM: Is it, sir?

THE COMMISSIONER: I think so.

15 MR. SOOKRAM: It explains the motive. I agree with you if you say it's far-reaching, but his motive in coming forward today--

THE COMMISSIONER: Is this a big business you're in, bee pollen?

20 THE WITNESS: No, as a matter of fact, what I do -- I belong to many health companies so I can get the product at cost and then I supply it. I don't sell it, I supply it for whatever it costs me and what's the way it works.

THE COMMISSIONER: Did you supply to the Mazda group of athletes at all?

25 THE WITNESS: I can supply bee pollen to

just about anybody.

THE COMMISSIONER: Had you done that because I haven't heard about --

THE WITNESS: Yes, there are a few
5 people --

THE COMMISSIONER: You haven't got much credit for it because we haven't heard much about bee pollen.

10 THE WITNESS: Bee pollen, what it does is it gives the body complete nutrition and energy, and --

THE COMMISSIONER: No, I understand that.

THE WITNESS: If I should happen to pay \$10 a bottle, I will sell it for 10 or 10.50 to cover my gas costs.

15 THE COMMISSIONER: Have you supplied this to the Mazda group at all?

THE WITNESS: I supply it to the athletes who require and need it at cost.

THE COMMISSIONER: You have told us that.

20 THE WITNESS: Yes. So the answer is, very proudly, yes, and they need it. Everybody needs it.

THE COMMISSIONER: Now did you try to get Dr. Astaphan to promote your product?

25 THE WITNESS: Definitely not. I wouldn't--no, definitely.

THE COMMISSIONER: All right, thank you.

THE WITNESS: What I did say is what do you think of bee pollen and he said that's good stuff. If that's promoting, I think that's just saying you're on the right track, Mr. Lubin. Stick with bee pollen and you'll be all right, and I have.

THE COMMISSIONER: All right, Mr. Sookram.

MR. SOOKRAM: I'm released. Thank you, Mr. Lubin.

THE WITNESS: It's a pleasure, Mr. Sookram.

MS. CHOWN: Mr. Commissioner, I think Mr. Gold may--

MR. BOURQUE: Mr. Commissioner, I think I've been overlooked here. I have one or two questions. Nothing to do with the sting operation, but--

THE WITNESS: Oh, that's a royal statement. Get it? Royal jelly?

THE COMMISSIONER: All right. I'm sorry, I didn't mean to overlook you, Mr. Bourque. You're not easy to overlook.

EXAMINATION BY MR. BOURQUE:

Q. Mr. Lubin, you were a sprint coach connected with the Mazda Optimist Club from I believe the beginning of 1987 through the end of 1988?

A. That's correct. Mazda was formed January 1st, '87.

Q. And as a sprint coach there, what were the terms of your relationship with the national sprint coach Mr. Francis? First of all, what was the relationship supposed to be in your view?

A. Okay, he was the head coach of the--he was the head coach of that club. He was also the national coach. What I should have been doing is keeping in touch with him, but I found him very incommunicative. In other words, I found him to be very, very silent and very distant. He would nod, he would wave, but we really didn't have any talking going on between us. He talked to other people in the crowd but very little discussion. I didn't take it as an insult because I figure that's just his way. I didn't think he was talkative until I saw the first few days of this inquiry.

Q. In your view though, was it anticipated that in your working relationship with Mr. Francis, there would be communication in the area of sprint coaching and the use of the Metro Track Centre?

A. That was my understanding. As a matter of fact, I was disappointed that there wasn't more. Maybe it's my fault. Maybe I should have gone up to him instead and forced a conversation out of him, but I knew he was

very busy with his inner group. He had his own group which he kept--

THE COMMISSIONER: Just answer the question more shortly. You didn't discuss very much with him?

5

MR. BOURQUE:

Q. Right, and my final question deals with the area you were about to get into, his inner group. If you could just first of all tell us who was in that group, to your perception, and secondly, to your observation in 1987 and '88, how did you perceive this group as mixing with other people at the Metro Track Centre?

A. In answer to your first question, there was Ben, Desai, there was Ms. Issajenko there was France Gareau, there was Katie Anderson, there was Tracy Smith, there was Desai Williams. I don't know if I mentioned that earlier, and I think that's about--there was Mark McKoy, Molly Killingbeck. I think that I have gotten them all.

Q. And my next question was were those athletes as a group communicative with other people at the centre? Say, for instance, your athletes?

A. They were very--they didn't talk much with my other athletes. If they did, they would talk about just regular things, regular things being just

things in their daily lives, but they kept quite private.
It's kind of interesting. You can be beside someone on
the track and they can be friendly and wave at you, but
there was very little talking going on about track talk.
5 Just sort of kidding around.

Q. Thank you.

THE COMMISSIONER: Mr. Pratt, any
questions?

MR. PRATT: Just one or two questions, sir.

10 THE COMMISSIONER: Thank you.

EXAMINATION BY MR. PRATT:

Q. Sir, I'm Allan Pratt and I represent
Charlie Francis.

15 A. Pleased to meet you.

Q. You were just telling us about the
conversation you had with Dr. Astaphan in January of '88.
Did Dr. Astaphan indicate to you what the basis of his
disagreement with Mr. Francis had been that led him to be
20 upset that day?

A. He was very upset that Katie was
under-coached. Now he knew I was the former coach of
Katie Anderson up until 1984 and he felt that from 1984
until that time, January of '88, which happens to be
25 correct, that she hadn't improved one iota. She ran 11.58

in 1984, and up until that time in January of 1988, she had not improved on that mark and he was quite upset about that, in fact.

Q. Apart from that, did he tell you any
5 other reason why he was so upset that he was considering,
I think you said, punching Mr. Francis in the nose?

10

15

20

25

A. Well, he didn't get into too much detail, but he was definitely upset about different things. I could feel it. And he was just upset about the way things are going on with him and Charlie.

5 I got the sense it was a power struggle. That's the feeling I got. I got a feeling that all hell was going to break loose one day on that track.

Q. But this was your feeling; was this based on anything specific that Dr. Astaphan had told you?

10 A. Not, not really. I know he was upset about different things.

Q. All right. Just in response to Mr. Bourque's last question, sir, comparing the athletes that you would coach with the athletes that Mr. Francis would coach, how would you compare them in terms of their level of proficiency?

15 A. Developmental would be the word I would use to describe my athletes. In other words, when they got to a certain level, they would then go over to the national coach, who happened to be Charlie Francis.

20 Case in point Katie Anderson. When she got to a certain level, she would go on with Charlie.

Q. In other words, they were at a much lower, considerably lower than Mr. Francis --

25 A. That would be correct.

MR. PRATT: All right. Thank you.

THE COMMISSIONER: Thank you. Mr. Gold.

MR. GOLD: Yes.

5 --- EXAMINATION BY MR. GOLD:

Q. Mr. Lubin, just one question. In or
about January 1988, after your discussion at the doughnut
shop --

A. Yes.

10 Q. -- did you raise -- did you discuss --

THE COMMISSIONER: Baker's Dozen, is that a
doughnut shop.

MR. GOLD: Baker's Dozen?

15 THE WITNESS: Baker's Dozen at Jane and
Steeles --

THE COMMISSIONER: Is that a doughnut shop?

THE WITNESS: It is a doughnut shop, and
small sandwich shop, and things of that nature, soup.

20 MR. GOLD:

Q. Did you repeat that discussion with
anyone other than Mr. Rick Westwood which you mentioned?

25 A. I did. I spoke to two other people. I
spoke to my wife and I spoke to a very close friend of
mine. If you wish the name, I can give it to you.

Q. Is there any reason that you didn't take it any further at that time?

A. Looking back I should have. Looking back, may be I should have. I really think back that
5 would have been the proper thing to do.

The reason I didn't do it is that I was scared for myself and for my athletes. I think that to make something public like that could put a tremendous amount of pressure on me. And looking back, that's what I
10 should have done, yes.

Q. And I take it that you had no personal information as to whether that type of issue, the use of that type of any type of illegal substance was something that was widespread. Did you have any concern at that
15 time?

A. I didn't have any idea. I mean there was comments and there was rumours going around maybe someone is, maybe someone isn't, but the bottom line is I did not know a thing. I didn't know a thing, you know, in
20 regards to whether someone was using an illegal substance.

MR. GOLD: Okay. Thank you.

THE COMMISSIONER: Thank you. Ms. Chown.

MS. CHOWN: No further questions, Mr.
Commissioner.

25 THE COMMISSIONER: All right. Thank you,

very much, Mr. Lubin.

THE WITNESS: Thank you.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: That's all the evidence we
5 have available today.

There are a couple of things, if I may. As
I indicated this morning, I intend to call Dr. Stanish
tomorrow. He lives in Halifax. He is coming up late
tonight. I am going to see him early tomorrow morning.
10 I, of course, have met with him before but --

THE COMMISSIONER: I should tell you
that --

MR. ARMSTRONG: Could we start --

THE COMMISSIONER: I have another urgent
15 meeting affecting my court and it's not going to start
until tomorrow morning at 11 o'clock again. I have to be
downtown for a hour tomorrow.

MR. ARMSTRONG: So --

THE COMMISSIONER: Is that satisfactory to
20 you.

MR. ARMSTRONG: So, we would start here at
11.

THE COMMISSIONER: At 11, thank you.

MR. ARMSTRONG: Your court still exists,
25 does it?

THE WITNESS: If I could just add one thing
that everything that --

THE COMMISSIONER: Just --

THE WITNESS: -- has been going on today --

5 THE COMMISSIONER: No, I don't think -- you
are here to answer questions not to make statements.
Thank you.

THE WITNESS: Okay.

10 MR. ARMSTRONG: Then the other matter, if I
could use this forum to tell counsel if they were
available now for about 15 minutes, Ms. Chown and I would
like to meet with them just to discuss our schedule.

THE COMMISSIONER: All right. Fine.
Thank you. I am not invited?

15 MR. ARMSTRONG: No.

THE WITNESS: Have a good day.

20 THE COMMISSIONER: I am sorry about
tomorrow morning, but I have some urgent meetings going on
these days. So, tomorrow morning at 11 o'clock. Thanks
for your help, Mr. Gold.

--- Whereupon the proceedings adjourned until 11:00 a.m.,
Wednesday, May 3, 1989

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